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THE

GENERAL ORDINANCE

OF THE

Corporation of Fredericksburg,

MADE AND PASSED

BY THE MAYOR AND COMMONALTY

OF THE

TOWN OF FREDERICKSBURG,

IN THE MONTH OF DECEMBER, IN THE YEAR EIGHTEEN HUNDRED
AND FIFTY-NINE.

WITH SEVERAL ACTS OF THE GENERAL ASSEMBLY

RELATING TO SAID CORPORATION.

PUBLISHED BY AUTHORITY OF THE MAYOR AND COUNCIL.

FREDERICKSBURG :

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ACT OF INCORPORATION.

AN ACT ENTITLED AN ACT FOR INCORPORATING THE TOWN OF FREDERICKSBURG, IN THE COUNTY OF SPOTSYLVANIA.—Passed Session, 1781.

Be it enacted, That it shall be lawful for the freeholders and house-keepers, who shall have been resident in the said town three months next preceding such election, to meet in some convenient place in the said town annually, on the third Monday in March, and then and there nominate and elect by ballot twelve fit and able men, being freeholders and inhabitants of the town, to serve as Mayor, Recorder, Aldermen and Common Councilmen for the same; and the persons so elected shall, within one week after their election, proceed to choose by ballot out of their own body, one Mayor, one Recorder, and four Aldermen, and the remaining six shall be Common Councilmen, whose several authorities as Mayor, Recorder, Aldermen and Common Councilmen, shall continue until the third Monday in March in the year succeeding, and until others shall be qualified in their stead and no longer, unless where elected. That the Mayor, Recorder, Aldermen and Common Councilmen, so elected, and their successors, shall, and are hereby made a body corporate and politic, by the name of Mayor and Commonalty of the town of Fredericksburg, and by that name to have perpetual succession, with capacity to purchase, receive and possess lands and tenements, goods and chattels, either in fee or any lesser estate therein, and the same to give, grant, let, sell or assign again, and to plea and be impleaded, prosecute and defend all causes and complaints, actions real and personal and mixt, to have one common seal and perpetual succession. That the person who shall be first elected Mayor of the said town shall, within one week after his election, take an oath or make solemn affirmation before a justice of the quorum in the commission of the peace for the said county of Spotsylvania, for the due and faithful execution of his office; and every succeeding Mayor shall be qualified to his office before the Mayor for the time being; and every Recorder, Alderman and Common Councilman shall take the like oath, or make the like affirmation with respect to their office before the Mayor for the time being; but no person shall hold the office of Mayor for more than one year in any two years: Provided nevertheless, where a vacancy shall have happened in the office of Mayor within the year, the person elected for the remainder of that year, may be elected again at the next general election, and until another shall be elected and qualified in his stead.

And be it enacted, That the Mayor, Recorder and Aldermen for the time being, are hereby declared and constituted Justices of the Peace within the limits of the said town; which limits shall extend to low-water mark on the northwest side of Rappahannock river, and half a mile without and around the other limits of the said town, and have the like jurisdiction in all cases whatsoever originating within the limits aforesaid, as the Justices of the County Courts now have: That the Mayor, Recorder and Aldermen, or any four of them, (the Mayor or Recorder being one,) shall have power to hold a Court of Hustings on the third Monday in every month, and hold pleas in all cases whatsoever originating within the limits before described, in the same manner as the County Courts may do: To have the sole power of licensing tavern-keepers, and settling their rates—to appoint a Sergeant, who shall have the power of a sheriff, constable, and other necessary officers of court, and Surveyors of the streets and highways—and to settle and allow reasonable fees allowed the like officers in the County Courts: Provided, that the said officers shall take an oath of office before the said Court of Hustings, before they shall be allowed to act; and that the Sergeant shall moreover give bond and security for the due performance of his office; which bond shall be made payable to the Mayor for the time being, and his successors, and may be put in suit by the party grieved, in like manner as sheriffs' bonds; and provided always, that in civil cases the Court of Hustings shall not have jurisdiction where the demand shall exceed one thousand pounds of crop tobacco; or the value thereof in money at the time of entering the action, unless both parties shall be inhabitants of the town at the time of suing out the first process in the suit.

And be it further enacted, That the Mayor, Recorder, Aldermen, and Common Councilmen, shall have power to erect workhouses, houses of correction, prisons, and other public buildings for the benefit of the town, and to make by-laws and ordinances for the regulation and good government of the said town, and to assess the inhabitants and all property within the actual bounds of the said town for the charges of repairing the streets: Provided, that such by-laws and ordinances shall not be repugnant to, or inconsistent with the laws and constitution of this Commonwealth. And the Mayor, Recorder, Aldermen and Common Councilmen shall have power to hold and keep within the said town, two market days, (the one on Wednesday, the other on Saturday,) in every week; and from time to time appoint a clerk of the market, who shall have assize of bread, wine, wood and other things, and generally to do and perform all things belonging to the office of the clerk of the office within the said town.

And every person to be elected to any office as aforesaid, and refusing to undertake and execute the same, shall pay the fines following, that is to say: the Mayor fifty pounds, Recorder forty pounds, Aldermen thirty pounds, Common Councilmen twenty-five pounds, Sergeant one hundred pounds, Constable fifty pounds, Clerk

of the Hustings Court and Clerk of the Market each fifty pounds, Surveyors of the streets or roads thirty pounds each—to be imposed by the judgment of the said Court of Hustings for the use of the town, and levied by execution against the goods and chattels of the offender. And in case of misconduct in the office of Mayor, Recorder, Aldermen and Common Councilmen, or either of them, the others, being seven at least, shall have power to remove the offender; and as to all other officers, the power first appointing shall or may at pleasure revoke. And in case of vacancy in the office of Mayor, Recorder, Aldermen and Common Councilmen, the vacancy shall be filled up in the following manner: the Recorder shall succeed the Mayor; the eldest Alderman the Recorder, and so on according to priority, to be reckoned by the number of votes at the last election; and if a vacancy shall happen among the Common Councilmen, his place shall be filled from the body of the freeholders within the town, by ballot of the Mayor, Recorder, Aldermen and Common Councilmen.

And be it further enacted, That the Mayor, Recorder, and two of the Aldermen shall have power, so often as they find occasion, to summon a council of the said town, which shall consist of the Mayor, Recorder, two Aldermen, and four Common Councilmen at least; that no law, order, or regulation shall be binding and valid, nor shall the same be revoked or altered, or fine imposed for a breach thereof, unless seven members concur therein.

And be it further enacted, That all the property, real and personal, now held and possessed by the Trustees of the said town of Fredericksburg, in law or equity, or in trust, for the use and benefit of the inhabitants thereof, and particularly the charitable donation of Archibald McPherson, deceased, now vested in the trustees of the said town, in trust for the education of poor children, shall be, and the same are hereby transferred and vested in the Mayor, and Commonalty of the said town, to and for the same uses, intents and purposes, as the trustees for the said town now hold the same, any former law, or clause or devise in the said Archibald McPherson's will to the contrary notwithstanding. And in all courts of law and equity, this act shall be construed, taken and held most beneficially and favorably for the said Corporation.

An Amendatory Act.—Passed Session 1782.

And be it further enacted, That the jurisdiction of the Court of Hustings in the town of Fredericksburg shall extend one mile without and around the former limits of the said town on the south side of Rappahannock river, and shall have power to hold pleas in all cases originating within the limits before described, in like manner and under such limitations as are directed and prescribed by the act for incorporating the said town. That the Court of Hustings in the said town of Fredericksburg, shall be and is hereby constituted a Court of Record, and as such to receive probate of Wills and Deeds, and grant administrations in as full and ample manner

as the county courts by law can or may do: Provided always, and be it further enacted, That no will shall be admitted to proof or record in the said court; nor shall the said court grant administration, unless the testator or intestate, as the case may be, was resident within the limits of the jurisdiction of the said court at the time of his or her death; nor shall any deed whereby lands are conveyed, be admitted to proof or record in the said court, unless such lands lie within the limits as aforesaid. The said court shall have power to appoint a person skilled in the law to prosecute therein for the Commonwealth, and to allow him a reasonable salary for his services, to be levied annually by the corporation on the inhabitants within the limits of the said town, and that the said inhabitants shall hereafter be exempted from contributing towards paying any part of the salary of the attorney for the commonwealth in the court of the said county of Spotsylvania.

An Act concerning the Election of Members of the Court of Hustings and Common Hall of Fredericksburg.—Passed Dec. 24, 1806.

Be it enacted by the General Assembly, That on the day appointed by law for the next annual election of members of the Common Hall of the town of Fredericksburg, the persons qualified by law to vote for the same, shall assemble and elect by ballot eight persons to act as Justices of the Peace for the said town, who shall continue in office during good behavior; any three of whom shall have power to hold a Court of Hustings at the same time and under the same regulations as are now prescribed by law, except in cases of courts for the examination of or trial of free persons or slaves charged with felonies, in which cases five of the Justices aforesaid shall be requisite to constitute a court. The said court to have the same powers and jurisdiction as heretofore, and the said Justices to have the same rights and powers as were heretofore granted by law to the Mayor, Recorder and Aldermen of the said town; with this restriction, however, that they shall not act as members of the Common Hall, nor be authorized to lay any tax for the support of a watch.

And be it further enacted, That on the day aforesaid, and on the same day in every year thereafter, the persons qualified to vote as before-mentioned, shall elect in manner aforesaid, twelve persons to act as Common Councilmen of the said town, who may continue in office until the next annual election of Common Councilmen, and until others shall be qualified in their stead, and shall have and exercise all the powers and duties heretofore granted to, and exercised by the Mayor, Recorder, Aldermen and Common Councilmen of the said town, in Common Hall assembled.

The Common Councilmen of the said town, in Common Hall assembled, shall elect one of its members to act as Mayor, and another as Recorder. The Mayor shall preside at its meetings, and sign the proceedings thereof; and when from any cause he shall be absent, the Recorder shall preside in his stead.

The Mayor, or in his absence the Recorder, or any two members of the Common Hall, shall have power, so often as they find occasion, to summon a Common Hall of the said town. In future, seven members shall be sufficient to hold a meeting of the Common Hall.

Vacancies which may happen in the court of the said town shall be supplied in the same manner that such vacancies in the county courts are supplied; and vacancies which may happen in the Common Hall shall be supplied as heretofore.

The qualifications which entitle persons to vote for, or be elected members of the Court of Hustings or Common Hall, shall remain unaltered by this act.

This act shall be in force from and after the first day of March next.

An Act to Amend the Charter of the Corporation of Fredericksburg.—
Passed March 5, 1821.

Whereas, it appears there are great defects and imperfections in the original act incorporating the town of Fredericksburg, and the several acts amendatory thereof; for remedy whereof—

Be it enacted by the General Assembly, That the Mayor of the said town shall annually be appointed in the mode now prescribed by law, except that he may be chosen either from the Council, or from the body of the citizens; and when he shall be taken from the Council, the vacancy occasioned thereby shall be filled by the Council. The said Mayor shall be re-eligible from year to year without limitation, and shall keep an office in said town for the transaction of business, and shall be the keeper of the Seal of the Corporation; he shall, at all times when the Hustings Court shall not be in session, perform the duties of a justice of the peace; those duties may nevertheless be discharged by any other justice of the said Corporation. The said Mayor shall moreover have the superintendence and control of the officers of police, and the night watch, according to the laws and ordinances now in force, or which may hereafter be enacted by the Council.

Be it further enacted, That if the person who may be appointed Mayor, pursuant to the foregoing section, shall omit, or fail, from any cause, to qualify to his appointment for the space of ten days after his election; or if, after his election, he shall die, or resign, then and in all such events, the said Council may, and it is hereby declared to be their duty, as soon thereafter as they may think fit, to elect some other person in his stead, and may so proceed to make a new election from time to time, whenever for the causes aforesaid, or any one of them, it shall become necessary.

And be it further enacted, That when, from sickness or other cause, the said Mayor shall be unable to perform the duties of his office, or in case of his unavoidable absence from town, his duties shall devolve upon, and be discharged by the Recorder, who shall in such cases possess and exercise all the powers and authority of the Mayor.

And be it further enacted, That the Mayor shall henceforth receive for his services a compensation to be fixed by the Common Council, which shall not be increased nor diminished during the time for which he shall be elected to office, which shall be paid out of the funds of the Corporation, in aid of which a tax may be imposed on his official acts.

Be it further enacted, That the Court of Hustings of the said Corporation shall remain as it is now constituted by law, except that the said Mayor shall preside in the said Court, and in his absence the Recorder. The said court shall have complete jurisdiction to high-water mark on the opposite side of the Rappahannock river; and in all respects the jurisdiction shall remain as heretofore.

And be it further enacted, That the citizens of the said town shall hereafter be exempted from the payment of levies to the county of Spotsylvania.

And be it further enacted, That the Mayor, Recorder and Common Council shall have full power, and they are hereby authorized to assess a tax on the inhabitants and property within the actual limits of the said town, for the purpose of repairing streets, and such other expenses and charges as to them may seem necessary and proper, and for the improvement, convenience, and well-being of the town.

And be it further enacted, That it shall be the duty of the said Mayor, Recorder and Common Council, and they are hereby authorized and empowered, to provide a sufficient night-watch for the protection and safety of the said town; and, for the better execution of this duty, the power and authority now exercised by field officers of the militia concerning patrols, shall hereafter be vested in, and exercised by the said Mayor, Recorder and Common Council, over the militia of the said town, who shall hereafter be exempt from patrol duty beyond the limits of the Corporation.

And whereas the true location of the streets of the said town has become uncertain from the want of permanent marks ascertaining the boundary thereof—

Be it therefore enacted, That John W. Green, John Mundell, George Cox, Silas Wood and David Briggs, be appointed Commissioners, any three of whom may act, for the purpose of surveying and locating the streets of the said town according to existing laws, and such authentic ancient surveys as may have been made pursuant to law.

It shall be the duty of said Commissioners to ascertain and locate the said streets by metes and bounds, making such alterations therein as they may find expedient, with the assent of the proprietors of lots and lands, which may be affected by such alteration, but not otherwise; and to mark the boundaries of the streets by stones, or other permanent limits; and to report a plan thereof, and of the town, with the lots properly numbered, with explanatory notes, to the Mayor, Recorder and Common Council of the said town; which, if approved by them, shall forever thenceforth be taken as the au-

entive plan of the said town, and be binding on all persons whatever; but if in making such survey it shall be found that any house has been built wholly or in part on any street, such house shall not be considered as a nuisance or illegal obstruction of such street; but, if such house shall at any time perish or be destroyed, shall not be again rebuilt so as to encroach upon or obstruct such street.

And be it further enacted, That all acts, and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed.

This act shall commence and be in force from and after the passing thereof.

An act concerning the Corporation of Fredericksburg.—Passed February 11, 1829.

Be it enacted, That hereafter it shall be lawful for the Mayor and recorder of the said town to take the oaths of office before any judge of the General Court, or justice of the peace, who shall certify the same to the Hustings Court of Fredericksburg, to be entered upon the proceedings thereof.

This act shall be in force from and after the passing thereof.

An Act Authorizing the Collection of Corporation Taxes on Real Estate in the Town of Fredericksburg.—Passed January 30, 1858.

Be it enacted by the General Assembly, That the Council of the town of Fredericksburg shall have authority to require to be sold all real estate within the Corporation returned delinquent for the non-payment of taxes, the taxes and interest on which shall not have been paid before the day of sale; and may make such regulations for effecting such sale and collecting such taxes, interest, and charges of sale, as to them may seem expedient. If, however, no such sale be authorized or required, the taxes assessed upon such real estate, for the benefit of said city, shall remain a lien thereon, bearing interest at the rate of ten per centum per annum from and after the expiration of thirty days from the time when the same shall have been collectable, until the same be fully paid.

In all cases in which any tax assessed upon real estate for the benefit of said city, shall be paid in whole or in part by the tenant, out of his or her property, he or she shall be entitled to deduct the same out of the accruing rent, or to recover the amount so paid from the owner of real estate, unless it shall be otherwise specially provided.

In every case of non-residents, where the real property subject to the tax levied, shall be vacant, and the proprietor thereof shall have no property within the Corporation subject to distress, and sufficient to raise the tax due, it shall be lawful for the officer appointed to collect such tax, in the name of the Corporation, to recover the amount of the tax due from such person or persons, by motion, in a

summary way before any court within this Commonwealth, ten days' notice of such motion being given to the person or persons chargeable with the amount of such tax.

This act shall be in force from its passage.

THE
GENERAL ORDINANCE
OF THE
CORPORATION OF FREDERICKSBURG,
MADE AND PASSED
BY THE MAYOR AND COMMONALTY
OF THE
TOWN OF FREDERICKSBURG,
IN THE MONTH OF DECEMBER, IN THE YEAR EIGHTEEN HUNDRED
AND FIFTY-NINE.

WHEREAS, it is expedient that the several Ordinances and By-Laws of the Corporation of Fredericksburg should be rendered concise and plain, that omissions and defects therein should be supplied and remedied, and that the whole should be comprised in one general Ordinance, arranged in appropriate Chapters and Sections—

Therefore, Be it ordained by the Mayor and Commonalty of the Town of Fredericksburg, in manner following, that is to say :

CHAPTER I.

Of the Officers of this Corporation and the time of their appointment.

SEC. 1. Officers of this Corporation.

“ 2. How appointed and when.

“ 3. Compensation.

SEC. 4. To make oath or affirmation.

“ 5. Penalty for acting as officer without making oath, &c.

SEC. 1. There shall be for the Corporation of Fredericksburg the following officers, viz: a Clerk of the Council, a Chamberlain, a Commissioner of the Revenue, a Collector of Taxes, a Surveyor, a Superintendent of Streets, a Clerk of the Market, a Weigher and Measurer of Coal, Salt and Grain, and a Measurer and Inspector of Lumber, and at least two Police Officers.

§ 2. Such officers shall be appointed by the Council, in the month of March in every year, and oftener, if the Council deem proper, and shall hold their offices at the pleasure of the Council.

§ 3. Their compensation shall be fixed by the Council, and shall not be diminished during their continuance in office ; but the Police

Officers shall not be entitled to any compensation for their services, until the Council shall order the same to be paid by the Chamberlain, and the Mayor and Council hereby reserve the right to withhold all compensation and stipend from the Police Officers for a neglect of duty.

§ 4. No person shall act as an officer of this Corporation, under the Mayor and Council, until he shall take an oath, or make affirmation before the Mayor or Recorder, that he will faithfully perform the duty of his office to the best of his skill and judgment. And in addition to such oath, the Chamberlain and Collector of Taxes shall each give a bond to the Mayor and Commonalty of the town of Fredericksburg, for the sum of ten thousand dollars, with at least two sureties, to be approved by the Council, with condition for the faithful discharge of the duties of their respective offices; which bonds shall be delivered to the Mayor, and be by him deposited in one of the Banks of the town for safe keeping. If such bonds are not given within ten days from the day of the appointment of Chamberlain or Collector, such appointments shall be void.

§ 5. If any person or officer shall act in any of the offices mentioned in the first section of this chapter, before he shall take an oath, or make affirmation as aforesaid, he shall forfeit and pay to the Mayor and Commonalty of the town of Fredericksburg fifty dollars.

CHAPTER II.

The Clerk of the Council and his duties.

It shall be the duty of the Clerk of the Council to attend all meetings of the Common Council, enter correctly all its proceedings and countersign the same, draft all Ordinances, attend to the publication thereof, and, in a book to be kept for the purpose, record all the Ordinances of the Corporation. The books of such proceedings, and the books of Ordinances, shall, at all times, be open to the inspection of any member of the Council.

To make copies of, or extracts from, anything in said books when and as often as he may be requested so to do by the Mayor or Council, or chairman of a committee thereof.

To preserve all books, documents, and papers which may at any time come to his hands officially.

To attend the annual election for members of the Council, and keep a correct record of the votes, and perform all such other services as are usually performed by a secretary of a public body.

CHAPTER III.

Of the Chamberlain.

SEC. 1. To receive moneys and deposite in one of the Banks to credit of the Corporation.

" 2. Moneys paid by Chamberlain or other persons authorized by Council.

SEC 3. To keep faithful records of moneys received and paid out, and furnish account and vouchers.

" 4. The fiscal year of this Corporation.

" 5. For what purposes and upon what authority money paid out.

§ 1. It shall be the duty of the Chamberlain to receive all moneys

payable to the Corporation for public uses, and he shall demand and receive from the Collector of Taxes, all moneys collected or received by him for its use. All moneys so received by the Chamberlain, shall be deposited in one or more of the Banks in the town aforesaid, to the credit of the Corporation of Fredericksburg, except that for the payment of demands against the Corporation of small amount he may keep in his office a sum not exceeding two hundred dollars at any one time.

§ 2. All moneys to be paid by the Corporation shall be paid by the Chamberlain out of what is kept in his office, or deposited in Bank. What is deposited in Bank shall only be drawn therefrom by the check of the Chamberlain, or by the check of some other person thereto authorized by the Council.

§ 3. He shall keep in a book, to be provided for that purpose by the Council, a true and faithful account of all moneys received by him for the use of the Corporation, and of the manner in which the same shall have been applied; and shall, on or before the Saturday preceding the third Monday in March, in every year, or oftener if thereto required, lay before the Council, or before their committee of finance, an account of all his receipts and disbursements, with vouchers to support the same.

§ 4. The fiscal year of the Corporation of Fredericksburg shall begin on the third Monday in March, and end on the day preceding that day; and annually on or before the thirtieth day of April, the Chamberlain shall render to the Council, or to its committee on finance, a statement of the probable expenditures for the year, and a statement of the debt of this Corporation.

§ 5. The funds of the Corporation shall be paid out by the Chamberlain, as follows:

For repairing and improving streets, upon an order of a majority of the street committee or of the Superintendent of Streets.

For repairs to pumps, on an order of a majority of the pump committee.

For repairs to public property, on an order of a majority of the committee on public property.

For the expenses of the Poor House, upon orders signed by at least three of the Overseers of the Poor.

The compensation of the Attorney of the Commonwealth; the compensation of the Clerk of the Corporation Court, Sergeant and Jailor of the Corporation, upon an order of court; and the compensation of the Justices, Grand Jurors, and petty Jurors, upon orders of the Corporation Court, or a certificate of the clerk thereof of their services.

The interest and principal of the debt of this Corporation as it may become due and payable.

The salaries of the Mayor and Clerk of the Market, quarterly, upon their receipts.

All other expenses of the Corporation, upon orders of the Council. His own salary, as Chamberlain and Clerk of the Council, he shall

be allowed to draw quarterly, upon filing a receipt among his vouchers for the same.

CHAPTER IV.

Of Police Officers and their duties.

It shall be the duty of the Police Officers to visit frequently all the streets and public alleys of the town, for the detection of nuisances and obstructions, and all obstructions or nuisances discovered by, or made known to them, to cause to be forthwith removed.

To endeavor to prevent the commission of offences against the ordinances of this Corporation, and against the laws of the State of Virginia, within their jurisdiction.

To endeavor to preserve the peace and keep good order in the town.

To give information to the Mayor of all offences against the Corporation, and of all offences against the State, committed within the jurisdiction of the corporation court of Fredericksburg, which shall come to their knowledge, and also the names of the offenders and witnesses, if known to them, and earnestly to enforce the laws of this Corporation.

To summon and attend in turn the meetings of the Common Council.

CHAPTER V.

Of the Mayor and his duties.

It shall be the duty of the Mayor:

To see that the Laws and Ordinances of the Corporation be faithfully executed.

To report to the Council the negligence or misconduct of any of the officers of the Corporation.

To report quarterly, in writing, to the Council, the manner in which the several police officers, in his opinion, have discharged their duty for the preceding three months.

To convene the Common Council whenever, in his opinion, it is necessary or expedient to do so.

To preside and preserve order in the meetings of the Council, and sign the minutes of the proceedings.

To lay before the Council, from time to time, in writing, such alterations in the laws of the Corporation as he shall deem necessary and proper.

To review the streets of the town, at least once in every month, as well to see that the police officers do their duty, as to suggest such improvements or alterations as may, in his opinion, be necessary for the comfort and the preservation of the health of the citizens of the town.

To keep an office in the town in which he may be found every day, (Sundays excepted) from nine o'clock until ten o'clock A. M., and as much longer as the business brought before him may require for its transaction, and to perform, as a justice of the peace, such duties

as may lawfully be required of him by the Council; and also to keep the Seal of the Corporation, and render annually to the Council a just account of the fees received for affixing the same.

CHAPTER VI.

Superintendent of Streets.

SEC. 1. Duty of Superintendent to attend to cleaning, repairs, &c. | SEC. 2. To render detailed accounts of expenses, &c.

§ 1. It shall be the duty of the Superintendent of Streets to attend to the repairs and cleaning of the streets and public alleys of the town, and to superintend all work contracted for or ordered to be executed by the committee of streets.

§ 2. He shall render quarterly, to the committee of streets, detailed accounts of the expense incurred by him in repairing and cleaning the streets and public alleys of the town, accompanied by vouchers, when such can be obtained.

CHAPTER VII.

Of the Commissioner of the Revenue and his duties.

SEC. 1. Of the assessment of real estate and the Land Book.	SEC. 7. Fine for refusing to furnish list of taxable property to Commissioner.
" 2. How real estate sold for taxes to be listed.	" 8. How to proceed when unable to obtain list from party.
" 3. No assessment of church, college, &c.	" 9. Of the book of personal property.
" 4. Compensation to Clerk of Corporation Court for furnishing list.	" 10. To make oath as to faithfulness of making out books.
" 5. The time for which tax on real estate shall be a lien thereon.	" 11. To deliver the copies of the books to Chamberlain, &c.
" 6. Of the assessment of personal property, &c.	" 12. To furnish additional lists of taxable subjects, &c.

§ 1. The Commissioner of the Revenue shall begin annually on, or as soon as may be after, the first day of February, and proceed without delay to make out a correct list of all the improved lots and parts of lots in the town, with the names of the several owners thereof opposite thereto, and enter the same in a book to be called the Land Book, in which he shall set forth opposite the names of the owners, in as many columns as may be necessary, the number of each lot, agreeable to the plan of the town, the value of each lot with its improvements, and the amount of tax at the legal rate, and a note of the source of title. In ascertaining the value, he shall be governed generally by the value as it appears on his land book of the next preceding year. But he shall add the value of any addition to, or improvement on, an old building, and of any new building whenever there is such upon any lot, in his book, and shall, in respect to any land or building, supply any omission in his land book.

§ 2. When real estate is sold for taxes, if it be purchased by an individual, the said Commissioner shall note on his land book the quantity of land sold, and to whom, but shall continue the land or

lot upon his said book in the name of the former owner, until the purchaser obtains a deed therefor.

§ 3. No tax shall be assessed or collected upon any Church or house of divine worship in the town, nor upon any college or incorporated academy, nor upon any other property which the Council, by resolution, may exempt.

§ 4. The Clerk of the Corporation Court of Fredericksburg shall annually be allowed a reasonable compensation for furnishing the Commissioner of the Revenue with such a list as is mentioned in the seventh section of the thirty-fifth chapter of the Code of Virginia, so far as may relate to lands in the Corporation.

§ 5. The year, for which taxes on real estate are assessed or imposed by the Mayor and Commonalty of this town, shall be deemed to commence on the first day of January, and there shall from that day be a lien on real estate for the taxes assessed thereon within the year so commencing.

§ 6. The Commissioner shall begin annually, as soon as may be after his appointment, and proceed without delay to ascertain the persons and personal property, and other subjects liable to taxation by the Corporation. To ascertain the same, he shall call upon every person in the town having such property in his possession or care for a list thereof, and upon every person therein chargeable with taxes, for a list of the subjects on account of which he is chargeable, or which is liable to taxation; and he shall endeavor, by asking proper questions, to have in such lists a correct and true statement of the persons, personal property, and other subjects liable to taxation, which were in the possession or care of each person on the first day of February preceding. The answers to the Commissioner's questions shall always be on oath.

§ 7. If any person shall, when applied to by the Commissioner of the Revenue, refuse to furnish a list, or the means of making out a list, or refuse to answer, or answer untruly, any question lawfully asked of him by the Commissioner in relation to his property or subjects of taxation in his possession or care, such person shall, for every such offence, pay a fine of not less than ten nor more than fifty dollars, in the discretion of the justice of the peace imposing such fine.

§ 8. When the Commissioner, in consequence of the absence or refusal of any person to do what is required of him, is unable to obtain such list, the Commissioner shall proceed to make it out from the best information he can obtain.

§ 9. The Commissioner of the Revenue shall annually make a book (to be called the Book of Personal Property,) in which shall be entered the names of the owners of property, or other subjects liable to taxation, and the names of all males residing in the town, above twenty-one years of age; showing in separate columns opposite to their names the number of slaves above twelve years of age owned or hired by each person for the year; the number of horses, carriages, buggys, or other vehicles owned by such person, and their

value, and in all other respects it shall conform to the book prescribed by the first auditor of the State for the Commissioners of the revenue for this Commonwealth, so far as the same may be applicable to this Corporation. Opposite the name of each person shall be extended the whole amount of Corporation tax due from him or her.

§ 10. The Commissioner, after completing this land book and book of personal property, shall make two fair copies thereof. At the foot of each copy he shall make and subscribe the following oath: I, A. B., Commissioner of the Revenue for the Corporation of Fredericksburg, do swear that in making out the foregoing book, I have to the best of my skill and judgment faithfully pursued the Ordinances of the Corporation prescribing the duties of the Commissioner of the Revenue. And the justice before whom the oath is taken, shall annex thereto a certificate in the following form: Sworn to before me, C. D., a justice of the peace for the Corporation of Fredericksburg, on the day of . Which certificate shall be subscribed by the justice. The original of each book shall be retained by the Commissioner so long as he continues in office, and then to be delivered to his successor.

§ 11. The two copies of each book sworn to as aforesaid, shall be delivered by the Commissioner, on or before the twenty-fifth day of May in each year, to the Chamberlain, who shall keep a copy of each book in his office, and deliver the others immediately to the collector of corporation taxes, and upon the Commissioner producing the receipt of the Chamberlain therefor, the Council may order the whole stipend or compensation of such Commissioner to be paid by the Chamberlain.

§ 12. If after the delivery of the books aforesaid, the Commissioner ascertain that any merchant or other person, by reason of his beginning business after the usual period of assessment, or from any other cause, is liable for corporation taxes which could not be or were not entered on the said books, he shall furnish the Chamberlain and Collector with a statement showing the name of the person liable for such taxes, the amount thereof, and on what account.

CHAPTER VIII.

Of the Collection of Taxes and the Duty of the Collector.

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| <p>SEC. 1. Of the deduction for prompt payment of taxes.</p> <p>" 2. Of the further collection of taxes, final settlement, and oath as to correctness of list of insolvents, &c.</p> | <p>SEC. 3. Of the time when taxes shall become due, and when may be distrained for.</p> |
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§ 1. The Collector shall, in every year, so soon as he receives a copy of the land book and personal property from the Chamberlain of the town, give notice for two weeks, in two of the newspapers published in the town aforesaid, where he will be found from the first to the fifteenth day of June, inclusive, to receive corporation

taxes. Whereupon any person may, by the fifteenth day of June in each year, discharge the tax against him on the said book, by paying to the Collector the amount of such tax, less five per centum for prompt payment; and if such tax is not paid by the fifteenth of June, it may be paid by the fifteenth day of July, deducting therefrom three per centum; and all taxes received by him in the month of June shall be paid to the Chamberlain every day, and all received by him between the first and the fifteenth day of July shall be paid weekly.

§ 2. On the first Monday in August, in every year, the Collector shall begin to collect the taxes assessed on the Commissioner's books which are not previously paid, and from time to time pay over to the Chamberlain all moneys and taxes collected by him for the use of the Corporation and finally settle his account of collections, on or before the second Monday in March in each and every year. In such settlement the said collector shall not have credit for any list of insolvents or absentees, but upon the oath of the Collector that such list is correct and true.

§ 3. The taxes on real estate and personal property, and on all other subjects, (except the tax on drays, carts and wagons, which shall be paid annually on the first day of April,) shall become due and payable on the first day of August in every year, and may be distrained for on and after the first day of September succeeding.

CHAPTER IX.

(Concerning the Market and the Clerk of the Market.)

- SEC. 1. Of renting out the stalls, &c.
 " 2. Stalls for country dealers.
 " 3. Buying to sell again.
 " 4. Of selling unsound meats, &c.
 " 5. Clerk to examine meats, &c.
 " 6. Of the measuring and weighing articles offered for sale.
 " 7. Clerk to examine scales, weights measures, &c.; articles offered for sale; penalties for refusing to have such articles weighed, and for having false weights, &c.
 " 8. Leaving offal in market house.
 " 9. Butchers buying, &c., in market, more provisions than for use of family.
 " 10. Not to rent more than two stalls; rates for selling by persons not renting stalls.

- SEC. 11. Penalty for refusing to pay rates.
 " 12. Moneys collected for rates and fines how to be disposed of.
 " 13. Butcher not to use any stalls or benches not rented by him.
 " 14. Not to sell in market on Sundays.
 " 15. Market hours.
 " 16. No horse or vehicle to stand in alleys leading to market place.
 " 17. Penalty for using improper language or fighting in market.
 " 18. Slaves, free negroes and mulattoes violating this chapter.
 " 19. Duties of Clerk of the Market.
 " 20. To prosecute offenders against this chapter; to have power of police officer.

§ 1. The committee of public property shall, annually, before renting out the Butchers' Stalls in the Market House, fix the distance to which each stall, with blocks, benches and other fixtures, shall extend out from the side walls, and also assess the amount of rent for each stall for the year; and after such assessment the collector of taxes shall, at the Market House, rent out to the highest bidder each stall for a year, so that such bid be not below the as-

assessment of the committee, and shall take bond with good security for the rents, payable to the Mayor and Commonalty of the town of Fredericksburg, on the first day of March ensuing the renting, and deliver such bonds to the Chamberlain for safe keeping, until due, and then receive the same again for collection.

§ 2. There shall be two stalls set apart by the committee on public property for the use of the country people who may bring things into the Market House for sale.

§ 3. If any free person shall, during market hours, buy any kind of meat, poultry, butter or eggs, for the purpose of selling again, he shall pay a fine of five dollars.

§ 4. Any butcher or other person who shall sell or offer for sale, at market, any unsound meat, fish, flesh, fowl, eggs, or other unsound article, or any meat which is distempered or blown, raised or stuffed, or which is dressed or garnished falsely, or in a way calculated to deceive, shall pay a fine of not less than five nor more than twenty dollars, and forfeit what is so sold or offered.

§ 5. The clerk of the market shall examine all meats, fish and fowls offered at market for sale, and take possession of such as by the preceding section are prohibited from being so offered, and unless on an appeal by the person offering the same to the Mayor or a justice of the peace, the decision of the clerk be reversed, the said clerk shall cause what he so takes possession of to be buried in a suitable place.

§ 6. No person selling fruits or vegetables at market, by measure, shall sell the same by any other than dry measure. No person shall buy or sell at market any beef, pork, mutton, veal, shoat, lamb or butter, in any other manner than by weight. And no article sold or offered for sale at a market shall be weighed with steelyards or spiral spring balance. Every butcher shall keep, in a conspicuous part of his stall, his patent platform balances and weights, or his scales and weights; the scales well balanced and in good order and the weights correct. Any person violating this section shall pay a fine of not less than one dollar nor more than five dollars.

§ 7. The clerk of the market shall, from time to time, examine the scales, balances, weights and measures used by persons at such market, to see whether they are sealed according to law and conform to the preceding section; and also examine butter and other articles sold or offered for sale by weight, to see that they are not deficient. And if any person shall refuse to have the same weighed, he shall pay a fine of one dollar. Persons having at market illegal scales, balances, weights or measures, shall forfeit the same to the Corporation. In every case in which the clerk of the market shall have good cause to believe that any thing is forfeited under this section, or under any other section of this chapter, he shall seize the same, and summon the person in possession thereof at the time of the seizure, to appear before the Mayor, or some other Justice, at some time within twelve hours, to shew cause why the said thing should not be adjudged forfeited.

§ 8. If any butcher, or any other person, leave in the market lot or throw or cause to be thrown in the market lot, or in any of the streets of the town, any feet, head or haslets, or any part of slaughtered animal, or offal of fish, he shall, if he be a free person pay a fine of two dollars.

✓ § 9. If a butcher directly or indirectly purchase, or contract to purchase, receive, or agree to receive, in market, during market hours, a greater quantity of provisions that is brought into market for sale than shall be sufficient for the use of his or her family, he shall pay a fine of five dollars.)

✓ § 10. No butcher or other person shall rent more than two stalls in any one year, and no butcher or other person besides those who shall have rented a stall or stalls in the market house, shall sell or expose for sale in the market house or market lot, any meats or fish of the kind hereinafter named, except upon the payment to the clerk of the market the following rates: For each slaughtered bullock, cow or steer, or any part thereof, twenty-five cents; for each veal, mutton, lamb, hog, shoat or sturgeon, or any part thereof twelve and a half cents.)

§ 11. If any person, liable for the payment of the rates aforesaid shall refuse to pay the same to the clerk of the market upon demand, he or she shall pay a fine of one dollar.

§ 12. All moneys collected for rates and fines under this chapter shall enure one-half to the Corporation and the other half to the clerk of the market, who shall keep a regular account thereof, and pay over the same quarterly to the Chamberlain of the Corporation.

§ 13. If any butcher shall use any stalls or benches in the market house other than those rented by such butcher, he shall forfeit and pay two dollars for every time he shall so use them, or either of them.

✓ § 14. No butcher, or other person, shall sell or offer for sale any meats, vegetables, or other thing or things in the market house or market lot on a Sunday. If any person offend against this section he shall forfeit and pay two dollars for every offence.)

✓ § 15. Market hours shall be from daylight to 7 o'clock on the Tuesdays, Thursdays and Saturdays between the first day of April and the first day of September, and from daylight to 9 o'clock on the Tuesdays, Thursdays and Saturdays between the first day of September and the first day of April.)

§ 16. No horse or vehicle shall be fastened or stand in any of the alleys leading into the market lot; and any person offending against this section shall pay a fine of one dollar.

§ 17. If a person at market use obscene, profane or threatening language, or shall fight thereat, he shall be fined not less than one dollar nor more than ten dollars for each offence.

§ 18. If a slave, free negro or mulatto commit any offence under, or violate any of the provisions of this chapter, he may be punished with stripes.

§ 19. It shall be the duty of the clerk of the market to have the

market house and market space or lot, and alleys and steps leading thereto, kept clean, the market scales and weights in good order, to be in market always during market hours, and to weigh all articles bought or sold in market, if desired by the buyer or seller, without fee or reward, and to demand and receive all fees under this chapter. Also to keep all dogs out of the market house during market hours, and to perform such other duty in relation to his office as may from time to time be required of him by the Mayor and Council.

§ 20. The clerk of the market shall prosecute all offenders against this ordinance. To enable him the better to execute his office and preserve order about the market, he shall have the powers of a police officer within two hundred yards around the market in every direction.

CHAPTER X.

Measuring and Inspecting Lumber.

SEC. 1. Duty of measurer and inspector of lumber.	SEC. 3. Fees for measuring and inspecting.
" 2. To divide lumber and shingles into classes.	" 4. Penalty for selling without inspection, &c.

§ 1. It shall be the duty of the Measurer and Inspector of lumber to measure, inspect and mark all lumber, and to inspect and count all shingles that may be brought to this town for sale and deliverable at a wharf or at the basin, and to measure all wood, when called upon so to do, brought to town for sale and delivered at any place in town.

§ 2. He shall divide all plank and scantling into three classes, to be designated first, second and third quality, and all shingles into two classes, to be denominated the first and second quality.

§ 3. The Measurer and Inspector of lumber shall be entitled to have from the seller of the articles the following fees:

For measuring, inspecting and marking plank and scantling, twenty-five cents for every thousand feet.

For inspecting and counting loose shingles, ten cents for every thousand.

For inspecting and counting bunch shingles, three cents for every thousand; and

For measuring wood, six cents for every cord.

§ 4. If the owner or consignee of any plank, scantling or shingles brought to this town in vessels, barges or boats, shall sell and deliver the same before such articles shall have been put in the lumber yard or storehouse of the owner or consignee of the plank, scantling or shingles, without having such plank and scantling first measured, inspected and marked, or shingles inspected and counted by the Measurer and Inspector of lumber of this Corporation, such owner or consignee shall forfeit and pay twenty cents for every hun-

dred feet of plank or scantling, and fifty cents for every thousand shingles so sold and delivered.)

CHAPTER XI.

Weighing and Measuring Coal, Grain, &c.

SEC. 1. Anthracite coal to be weighed;
penalty for neglect
" 2. Bituminous coal to be measured;
penalty for neglect.

SEC. 3. Duty of the weigher and measurer of coal.
" 4. His fees.

§ 1. If the owner or consignee of any anthracite coal brought to this town in vessels, shall sell the same and have it delivered previous to its being deposited in the lot or storehouse of the owner or consignee, without having such coal weighed by the coal weigher of this Corporation, allowing 2,240 lbs. to the ton, said owner or consignee shall forfeit and pay one dollar for every ton of such coal so sold and delivered.)

§ 2. If the owner or consignee of any bituminous coal brought to this town in vessels, shall sell the same and have it delivered before it shall be deposited in the lot or storehouse of the owner or consignee, without having it measured by the coal measurer of this Corporation, such owner or consignee shall forfeit and pay fifty cents for every ten bushels so sold and delivered.

§ 3. It shall be the duty of the weigher and measurer of coal, salt and grain, to weigh, or see weighed, all anthracite coal, and to measure, or see measured, all bituminous coal brought to this town in vessels, and which shall have been sold deliverable at any wharf in the town, and to measure, if called upon to do so, and not otherwise, all corn, salt, oats and potatoes brought to this town for sale and delivered at any place in the town.

§ 4. For his services as weigher and measurer he shall be entitled to have from the seller of the articles the following fees:

For weighing anthracite coal, eight cents for every ton.

For measuring bituminous coal, salt, corn, oats and potatoes, twenty-five cents for every hundred bushels.

CHAPTER XII.

(Weighing Hay, Fodder and Sheaf Oats, and of the Weighmaster.

SEC. 1. Of letting the hay-scales.
" 2. Who the weighmaster and his oath.

SEC. 3. Duty of the weighmaster.
" 4. Penalty for bringing into this Corporation and selling hay, &c., without having it weighed.

§ 1. The hay-scales of this Corporation shall be annually let in the month of March, publicly, by the collector of taxes, to the highest bidder, who shall take bond with good security for the rent, payable

the Mayor and Commonalty of the town of Fredericksburg, on the first day of March ensuing; such bond to be left with the chamberlain until due, and then to be received and collected by said collector, and the amount paid over to the chamberlain.

§ 2. The person renting the hay-scales shall be the weighmaster of the Corporation aforesaid, but before he performs any duty as such, he shall take an oath before the Mayor or Recorder that he will faithfully discharge the same. He may appoint a deputy or deputies, who shall take the same oath.

§ 3. It shall be the duty of the said weighmaster to keep the scales clean and perfectly balanced, and to weigh all hay, fodder and sheaf oats brought to the hay-scales for that purpose, and give a ticket to the owner or person having such provender in charge, with the signature thereto, expressing the gross weight of the wagon or vehicle and hay, fodder or sheaf oats, weight of the wagon or vehicle, the nett weight of the provender, and the date when weighed, for which he shall be entitled to demand and receive from the owner of the provender so weighed by him, three cents for every nett hundred pounds thereof. And it shall further be his duty to ascertain the weight of all wagons, carts or other vehicles used in bringing hay, fodder or sheaf oats to town for sale, once in every three months, and as often as he may be required so to do by a purchaser of any load of hay, fodder or sheaf oats.

§ 4. If any person shall bring into the town of Fredericksburg any hay, fodder or sheaf oats, and sell the same without having it weighed at the hay-scales by the weighmaster, or his deputy, he shall forfeit and pay for every load or parcel so sold, two dollars, one-half of which shall be to the informer and the other half to this Corporation, and the buyer of such provender shall also forfeit and pay two dollars for every load or parcel bought by him without being weighed as aforesaid.)

CHAPTER XIII.

Of the Streets and Footways.

SEC. 1. Of obstructing the streets by wood, coal, &c.

" 2. Merchants, &c., occupying the side-walk, when and how long.

" 3. Of persons building, &c.; what portion of street to be occupied with materials, and for what time; repairing chimneys to place barriers.

" 4. To remove walls and chimneys fallen in streets.

" 5. Wheelwrights, carpenters and blacksmiths not to use streets.

" 6. Vehicles not to remain in street over 4 hours when not in use.

" 7. Footways, porches, steps and cellar-doors; regulations concerning.

SEC. 8. Vaults under footways; regulations concerning.

" 9. Penalties for violating regulations as to vaults and cellars.

" 10. Horse racks and troughs not to be set up in streets.

" 11. Horses not to be fed in streets.

" 12. Of placing ashes, rubbish, &c., in streets.

" 13. Sand, gravel and dirt not to be taken from streets.

" 14. Footways not to be altered without proper authority.

" 15. Gutters and drains to be kept clean and free from obstructions.

" 16. Slaves, free negroes and mulattoes violating this chapter.

§ 1. If any person shall place, or permit to be placed on any

street or public alley of the town of Fredericksburg any wood, coal, casks, boxes, merchandise or lumber, or other thing belonging to him, or consigned to him, and shall not remove the same within twelve hours after such articles or any of them shall have been first so placed or permitted to be placed, he shall forfeit and pay two dollars for every offence, and for every hour such articles shall remain on the streets over and above twelve hours as aforesaid, he shall be fined one dollar.

§ 2. A merchant, grocer or dealer in flour may, in front of his place of business, occupy with his goods, on the day on which he shall receive the same, one-half of the side-walk, but no more; but if at any other time a merchant or other person shall encumber a footway in the town aforesaid with barrels, boxes or other things, and shall not remove the same within half an hour after being required so to do by a police officer, he or she shall forfeit and pay two dollars.

§ 3. Any person engaged or about to be engaged in building, repairing, excavating, or making any improvements on a house or lot on which materials are to be used, or from which they are to be removed, may deposit materials in that part of the street or public alley opposite his premises, on so much of the carriage way as does not exceed one-half the width thereof, so that the use of the gutter be not obstructed. But where two persons are building or making other improvements hereby authorized opposite each other on the same street, each shall occupy but one-fourth of the street. And no such deposit of materials shall be made in a street so as to obstruct improvements which the Corporation is making in said street, or for a longer time than is necessary for the work. And a person engaged in repairing a roof, wall or chimney of a house on a street or public alley, shall place barriers sufficient to warn a foot passenger against passing such roof, wall or chimney. If he fail to place the same he shall pay a fine of five dollars, and every day on which the failure continues shall be a distinct offence. In no case shall a side walk or paved gutter be obstructed under this section, unless it be actually necessary for placing such barriers, or for the execution of the work.

§ 4. If a brick wall or brick chimney on any lot in this town, fall into any of the streets in the town, it shall be the duty of the owner of the lot on which such wall or chimney was composed, to have the same forthwith removed from the streets, and if such owner fail to do so within forty-eight hours from the time such wall or chimney shall have so fallen, he shall forfeit and pay five dollars, and for every day he shall let such bricks or any part of them remain in the streets after the first forty-eight hours as aforesaid, he shall forfeit and pay five dollars, and if the person who owned such wall or chimney disclaim ownership of the bricks, the same shall be removed by the police officers as soon as practicable, or sold by them for ready money, to be removed immediately, and accounted for by them to the Corporation.

§ 5. If a wheelwright, carpenter, blacksmith, or other person shall use any part of the public streets or footways of the town for the purpose of shoeing horses, hooping wheels, making or mending carts, wagons, drays, carriages or other vehicles, or in any way occupy the streets or footways in their respective trades or occupations, without leave of the Council first had and obtained, he shall forfeit and pay for every offence five dollars.

§ 6. If any person or persons shall suffer his or their dray, cart, wagon, carriage or other vehicle, when not in use, to remain in any street longer than four hours, he or they shall forfeit and pay two dollars for every offence.

§ 7. The footways of the town shall not extend into the streets more than ten feet from the line of the streets, except before the churches and old Town Hall, where they may be twelve feet wide. Nor shall any porches, steps or cellar-doors, or cellar-ways, extend into the footways more than four feet from the houses. If any white person violate this section in putting up porches, steps, cellar-doors or cellar-ways, he shall forfeit and pay ten dollars; and shall forfeit and pay five dollars for every day that he shall permit any porch, steps, cellar-doors or cellar-ways attached to or adjoining his house to remain in conflict with this section.

§ 8. The committee of streets, when a vault is desired under a street, may, by writing, grant permission to a person to have the same made; and the person obtaining the permission shall file the same with the superintendent of streets. Such person shall have it made with a substantial brick or stone arch, which shall extend in the street from the front wall of the house before which the vault is, no further than two feet six inches from where the inner edge of the curbstone is, or will be when laid down. The openings to the vault shall not be more than eighteen inches in diameter, and shall be near the said line, unless, in the opinion of the superintendent of streets, that is impracticable. It shall be level with the sidewalk, as it then is, but may afterwards be removed, if necessary, when the grade of the street is established or changed. It shall be secured with a cast-iron covering, fixed in solid frame of stone or iron, so laid that the upper part of the frame shall be as nearly level with the pavement as it can be, consistently with the turning the water from the opening; and it shall be secured with such bolt or weight as the superintendent of streets may direct; and the person obtaining permission to make a vault shall have the same completed, under the direction of the superintendent of streets, within thirty days, unless further time is allowed by the committee of streets.

§ 9. If any cellar or vault heretofore made, conform neither with this ordinance, nor with the ordinances in force at the time of the passage hereof, or if hereafter, when a cellar or vault is made or repaired, the same be not such as is required by this ordinance, the owner of the house to which the cellar or vault is attached, shall pay a fine of not less than five, nor more than twenty dollars; and

every day that the cellar or vault shall not be as hereby required shall be a distinct offence. And if the occupier of a house to which a vault is attached suffer the same to be open or unfastened at any time other than when it is opened for putting something therein or shall then suffer it to be open or unfastened longer than is absolutely necessary for that purpose, or if the owner or occupier of a house to which a vault or cellar is attached, shall fail, in any respect, to keep in safe and proper order the opening to such vault or the doors to such cellar, (whether made heretofore or hereafter, he shall pay a like fine. The suffering a vault to be opened or unfastened, as aforesaid, or the failure to keep in safe and proper order such opening or doors, shall be deemed a distinct offence each day or night thereof.

§ 10. If any person shall put up a horse-rack or trough in any of the streets of the town, he shall be fined two dollars, and it shall be the duty of the police officers to remove the same immediately.

§ 11. It shall not be lawful for any wagoner, cartman, or other person to camp at night, or feed their horses, mules or oxen by day, in any of the streets of the town; and if any person shall offend herein after being warned by a police officer, or citizen, that it is not lawful so to do, he shall be fined for every offence not less than one nor more than five dollars, in the discretion of the justice of the peace before whom the offender is tried.

§ 12. A person may carry from his or her lot, and put in a street on that part of it next to the gutter or drain, ashes, dirt or rubbish, provided the same be free from offensive matter and be removed within forty-eight hours; but if not removed within that time, the person causing such articles to be so placed shall forfeit and pay five dollars, and shall also pay two dollars for every day such dirt, rubbish or ashes shall remain in the streets, after having been required by the police officer to remove the same.

§ 13. No person shall take any sand, gravel or dirt from any of the streets or alleys of the town. If any person shall offend against this section, he shall be fined one dollar for every offence.

§ 14. Hereafter it shall not be lawful for the owner or occupier of any tenement or lot in the town to raise or in any manner change or alter the graduation of the footway before his or her tenement, without the permission of the superintendent of streets, or a majority of the street committee of the Council. Any person offending against this section shall forfeit and pay ten dollars, and shall be moreover liable to a fine of one dollar for every day said footway shall remain so raised, changed or altered, so that the same shall be considered by said superintendent or committee an impediment to foot-passengers, or an injury or inconvenience to the owner or occupier of the adjoining tenement.

§ 15. Every person occupying a house or lot shall, as far as such lot extends, cause the gutter or drain in a street or any public alley opposite thereto, to be constantly kept open and free from obstruction; and if he fail so to do may be fined not less than one dollar

or more than ten dollars; and for each day after the first that such obstruction remains shall be fined not less than two nor more than twenty dollars.

§ 16. If any slave, free negro or mulatto shall commit any of the offences mentioned in this chapter, he may be punished with stripes.

CHAPTER XIV.

Negroes going at large at Night.

SEC. 1. Slaves not to be in the street at night; penalty.

SEC. 3. Free negroes and mulattoes not to be in the streets at night; penalty.

§ 1. If any slave be found in any street of the town, or absent from the lot or premises of his or her master or owner after ten o'clock at night, without a pass, or some token showing that such slave is on business for his master, mistress or owner, it shall be and is hereby made the duty of the police officers to arrest such slave and confine him in the Corporation jail until the following morning, and then to carry such slave before the Mayor of the town, or some other justice, who may order such slave to be punished by stripes: the number at the discretion of the justice, but not to exceed thirty. But such punishment may be remitted by the justice ordering it, upon the payment by the master, mistress or owner of said slave of a fine of one dollar and cost of arrest and jail fees.

§ 2. Hereafter if any free negro or mulatto be found in any of the streets of the town, or absent from his or her lot or tenement after the hour named in the preceding section, unless upon urgent business, (to be judged of by the police officer arresting him or her,) it shall be the duty of the police officers to arrest such free negro or mulatto and confine him or her in the jail of the Corporation until the morning next after the arrest, and then to carry him or her before the Mayor of the town, or some other justice, who may in his discretion order such free negro to be punished with stripes, not exceeding thirty, or to pay a fine of one dollar and cost of arrest and jail fees. One half of the fines recovered for violations of this chapter shall be paid over by the justice to the officers making the arrests, and the other half to the chamberlain for the use of the Corporation.

CHAPTER XV.

Of Noisy and Disorderly Conduct and of Disorderly Houses.

If any person shall keep a noisy or disorderly house, or shall be guilty of noisy, disorderly, riotous or indecent conduct, within the limits of this town, he shall, ~~if a white person,~~ be fined not less than one nor more than five dollars; and ~~if a slave, free negro or mulatto, may be punished with stripes.~~

SEC. 7. Not to stop on any crossing.

" 8. Hand-cart and wheelbarrow not to be rolled on footway.

" 9. Regulations of vehicles meeting and overtaking each other.

" 10. Of locking wheels in the streets,

and wantonly making noise with whips.

SEC. 11. Power of police officers to restrain vehicles.

" 12. To arrest when offences committed in his presence; punishment of slaves, &c.

§ 1. No person shall drive any horse or horses, when attached to any dray, cart or wagon, within the limits of this town, faster than a slow trot. Every white person violating this section shall forfeit and pay one dollar for every offence.

§ 2. If any horse or horses attached to any dray, cart or wagon shall run away in any street of this town, in consequence of the want of due care and caution on the part of the driver of such horse or horses, such driver, if a white person, shall forfeit and pay five dollars.

§ 3. If any white person shall drive, or cause to be driven, any horse or horses attached to any carriage, buggy, carryall or other vehicle, faster than an ordinary travelling gait, he shall be fined not less than one nor more than five dollars, at the discretion of the justice before whom the offence is tried.

§ 4. If any white person shall wilfully strain any horse or horses in the town aforesaid, or ride or drive any horse or horses in said town, without holding in his hand the bridle and reins, he shall be fined for every offence not less than one nor more than five dollars in the discretion of the justice by whom the offence is tried.

§ 5. If any white person or persons shall put, or cause to be put, any horse or horses to a dray, cart, wagon or carriage of any kind within the limits of this town, for the purpose of breaking such horses to work, he or they so offending shall forfeit and pay five dollars for every such offence.

§ 6. If any person shall wilfully drive any horse, horses, mules or oxen, or ride or lead any horse or mule on any footway of the town aforesaid, he shall forfeit and pay one dollar for every such offence.

§ 7. If any person shall stop any horse, or dray, cart, wagon, carriage, buggy or other vehicle on any of the footways of this town, where the streets intersect each other, he shall forfeit and pay one dollar.

§ 8. If any person shall roll any hand-cart or wheelbarrow on the footways of the town, or any part of them, he shall forfeit and pay fifty cents.

§ 9. Any driver of a vehicle meeting another vehicle in a street, shall seasonably drive to the right hand, so that each may pass the other without interference. And when in a street a vehicle is overtaken by any other vehicle, the driver of the former shall bear to the right, and the driver of the latter shall bear to the left until the latter shall have passed. In no instance shall a driver of a carriage, wagon, dray, cart or other vehicle stop the same in the middle of the street, or opposite to an intersecting street, but he shall always

stop the same as near to the sidewalk as he can without being on it or in the gutter. A driver violating this section in any respect, if he be a white person, shall pay a fine of not less than one dollar nor more than five dollars.

§ 10. If any driver of a wagon shall, in any street of the town, except on that part of William street or on that part of George street which lies between Princess Ann and Caroline streets, drive such wagon with a wheel locked after being forbid so to do by any citizen or police officer, or if any driver of a wagon, dray or cart, whether licensed or not, shall wantonly crack his whip in the streets of the town, to the annoyance of others, such driver shall pay a fine of one dollar.

§ 11. Any police officer of the town may order any vehicle standing on a street to be removed as may seem to him most convenient for persons passing by. If a driver fail to obey such order, the owner of the vehicle shall pay a fine of two dollars.

§ 12. When any of the offences mentioned in this chapter is committed in the presence of a police officer, he may arrest the offender and carry him forthwith before the Mayor of the town, or some other justice. ~~A slave, free negro or mulatto guilty of any offence mentioned in this chapter, may be punished with stripes, unless the fine and the costs of trial be forthwith paid.~~

CHAPTER XX.

Of Disorderly Conduct at Public Meetings, &c.

SEC. 1. Meetings, &c., not to be disturbed.

SEC. 2. Police officers to be employed.

§ 1. Any white person who shall, at any public meeting of the citizens of the town, or at any lawful exhibition or show held within the limits of this town, interrupt or annoy the people there assembled, by loud talking, singing or whistling, or exclude others from participating in the enjoyment of such representations and exhibitions by standing up amongst the people there assembled, or in any other way disturb the harmony and good order of such assemblages, shall pay a fine of not less than one nor more than five dollars, at the discretion of the justice before whom the offence is tried. And it shall be the duty of the police officers to attend such meetings and shows, and to suppress all riotous conduct tending to a violation of this chapter or a breach of the peace; and they are hereby required to take the offender or offenders before a justice of the peace, that he or they may be dealt with according to law. ~~If any slave, free negro or mulatto be guilty of the misconduct above mentioned, he may be punished with stripes not exceeding twenty.~~

§ 2. Every exhibitor of a public show, or exhibition of any kind held in this town for pay, shall employ at least two police officers of the Corporation to keep order, and to pay them one dollar each

for their services for each exhibition ; and on failure of any exhibitor so to employ such police officers, and to pay them as aforesaid, he shall forfeit and pay the sum of ten dollars. But this section shall not apply to any show, exhibition or performance in a room for which a license by the year is taken out as provided in chapter forty-two, section one.

CHAPTER XXI.

Discharging Firearms, Flying Kites, &c.

SEC. 1. Prohibiting the discharge of firearms in the town.

" 2. Boys playing games to the annoyance of persons passing.

" 3. Raising and flying kites in the streets.

" 4. Raising balloons without consent of the Mayor.

SEC. 5. Indecent figures or language on houses, &c.

" 6. Beating drums in the streets.

" 7. Throwing stones in the streets.

" 8. Punishment of slaves, &c., for offences under this chapter.

§ 1. If any white person shall fire a cannon, musket, gun, pistol or other firearm in the town, unless in the execution of some law, or by a soldier in a military parade in celebration of some festival, or cause any explosion of gunpowder in the streets, he shall forfeit and pay two dollars.

§ 2. It shall not be lawful for boys to assemble in any street of the town and play at any game or amusement which shall annoy the citizens near them, or impede persons in their passage along the streets or footways, under the penalty of one dollar for each boy so assembled and engaged, to be paid by the father, guardian or master, as the case may be, of such boy or boys.

§ 3. It shall not be lawful for any person to raise or fly any kite in any of the streets of the town. Every white person offending against this section shall forfeit and pay two dollars for every offence.

§ 4. It shall not be lawful for any person or persons to raise or cause to ascend any balloon or balloons from any lot or street within the limits of this town, without the consent of the Mayor, in writing first had and obtained. Every white person offending against this section shall forfeit and pay for every offence five dollars.

§ 5. If any white person shall draw any indecent figure, or write any vulgar or obscene words upon any house, railing or paling in the town aforesaid, he shall, forfeit and pay two dollars for every offence.

§ 6. If any white person shall beat any drum within the limits of this town, in the night time, unless at a military parade or in celebration of some festival, he shall forfeit and pay five dollars for every offence.

§ 7. It shall not be lawful for any white person to throw any stone or other missile in any of the streets of the town. Any white person offending against this section shall forfeit and pay one dollar for every offence.

§ 8. If a slave, free negro or mulatto commit any act mentioned in this chapter, or offend against this chapter in any particular, he may, upon conviction thereof before the Mayor or any justice of the peace, be punished with stripes not exceeding twenty.

CHAPTER XXII.

Of Railroad Engines and Cars in the Streets.

SEC. 1. Engines and cars not to be driven faster than the rate of four miles an hour.
 " 2. Not to stop in streets.

SEC. 3. Not to obstruct the free use of the streets by track.
 " 4. Bell to be rung at crossings.

§ 1. If the officers, agents or employees of any railroad company shall cause any locomotive to be propelled upon any railroad or rail track in any street of this town, or shall cause any car, carriage or other vehicle to be drawn across any of the streets of this town at a rate greater than four miles per hour, such company shall forfeit and pay ten dollars.

§ 2. If the officers, agents or employees of any railroad company shall stop, or cause to be stopped, any locomotive, car or other vehicle used on railroads, in any street in the town, such company shall forfeit and pay five dollars, and shall also forfeit and pay five dollars for every hour such locomotive, car or vehicle shall remain in any of the streets of the town.

§ 3. If any railroad company shall, in constructing or altering the track of any railroad in the streets of this town, obstruct the free use of the streets for wagons, drays, carts, carriages or other vehicles, or obstruct the free passage of water through the gutters of the streets, such company shall pay a fine of twenty dollars, and shall also pay a fine of five dollars for every day the railroad or the track of the railroad shall remain in such condition.

§ 4. During the passage through or across the town of any locomotive or train of cars, it shall be the duty of the company owning the railroad on which such locomotive and cars are running to cause a bell attached to such locomotive or cars to be rung, and for every failure so to do, such company shall forfeit and pay ten dollars.

CHAPTER XXIII.

Of Keeping Footways in Order.

SEC. 1. Footways to be kept in order.

SEC. 2. Upon failure to repair after notice to be repaired at expense of owner.

§ 1. It shall be the duty of the owners of lots in this town to keep the footways in front of their respective lots in good order and condition and paved with brick or stone or covered with good sharp

sand, or such other material as may be approved by the superintendent of streets.

§ 2. If the surface of any part of the footway shall become broken or so uneven as to retain water, or be disagreeable to walk on or in any way out of order, it shall be the duty of the police officer to notify the owners in front of whose lots the footway may need repairing or filling up, to have the same done, and in case such improvement is not made within ten days after such notice, the superintendent of streets, or the committee on streets, shall cause such footways or parts of footways to be repaired, filled up and graded at the expense of the owners of lots who fail or refuse to put the footways in front of their lots in good order after notice so to do. Such expenses to be recovered by warrant in the name of the Mayor and Commonalty of the town of Fredericksburg, with the cost of the proceeding.

CHAPTER XXIV.

New Buildings and Enclosures, and the Duty of Surveyor.

SEC. 1. Duty of surveyor, upon notice, to determine line of streets, &c.

SEC. 2. Surveyor's fees.

SEC. 3. Penalty for encroaching on street.

§ 1. If any person intending to erect a new building or place any old one on the line of any street, or enclose any unimproved lot or square in the town of Fredericksburg, and shall give reasonable notice thereof to the Surveyor of the Corporation specifying the time and place, when and where such building is about to be erected or placed, or enclosure put up, it shall be the duty of the Surveyor to attend at such time and place, and ascertain and distinctly mark the line or lines of the lot or lots, and the range of the street or streets where such building is to be erected or old one placed, or enclosure to be put up.

§ 2. For such services he shall be entitled to demand and have from the person calling on him for them the following fees: For ascertaining the range of one street and marking the line thereof, two dollars; for two streets, three dollars; for three streets, four dollars; and for four streets, four dollars and fifty cents, provided such services are required to be done at the same time and for the same person and at the same square; otherwise two dollars for every line surveyed and marked by him shall be charged.

§ 3. If any person shall hereafter attempt to erect any new building, or place any old one, or cause the same to be done, or cause any enclosure to be put up within twenty inches of the line of any street or streets of the town, without having the line of such street or streets ascertained and marked off by the Surveyor of the Corporation, such person shall forfeit and pay fifty dollars. And it shall be the duty of the Surveyor, if he have notice thereof, to mark and designate the line or lines of the streets where such buildings are about to be erected or placed or enclosure put up, and he shall be

entitled to demand and have the same fees from the party so building, placing or enclosing as if he had been called upon by him or them to perform such services; and in making such survey, if he shall find any street or streets encroached upon, he shall report the same to the Mayor without delay, in order that such buildings or enclosures may be removed as an obstruction in the streets. But this section shall not be construed to render it necessary for a person to call upon the surveyor when putting up an enclosure or repairing an old one, if the corners of the lot or square had been previously built on and are distinctly marked.

CHAPTER XXV.

In Relation to Dividing Fences.

In every case in which the owner of an improved lot in the town shall be desirous of having a new fence erected between his said lot and any improved lot adjoining thereto, and the owner of the said adjoining improved lot shall not agree to pay his share of erecting such a fence, the Mayor shall, on application of the party wishing to have a new fence put up, appoint three discreet freeholders of the town to view the premises, and under their hands to say whether a new fence to divide the lots of such parties is necessary or not, and the decision of the said freeholders, or a majority of them, shall be binding on the parties. And the party desirous of having a new fence put up may proceed to have it erected, and on the completion thereof shall recover by warrant, from the owner of the adjoining lot, one-half of the cost of such fence, with the costs of such proceeding: Provided that the cost of the said fence be estimated as a fence formed of good posts and rails, with undressed paling, and not exceeding six feet high.

CHAPTER XXVI.

Of Stoves and Chimneys, Shavings in Buildings, and Fires in the Streets, &c.

SEC. 1. Stove pipes to be conducted into chimneys, &c.
 " 2. Firing chimneys in dry weather.
 " 3. Chips, shavings, &c., to be removed from house building or repairing.

SEC. 5. Carrying or making fires in the streets.
 " 5. Making fire in market house or lot.
 " 6. Punishment of slaves, &c., for violations of this chapter.

§ 1. All stoves now set up, or which may hereafter be set up in this town, shall have the pipes leading therefrom conveyed into a stone or brick chimney, or be otherwise so secured as to be safe from the danger of communicating fire to the building in which it is put up or to any adjacent building. If any person shall offend against this section, he shall forfeit and pay ten dollars, and moreover for-

feit and pay five dollars for every day his or her stove shall be used afterwards without being secured and fixed as by this section directed.

§ 2. If any person shall fire his chimney or suffer it to take fire in fair and dry weather, he shall forfeit and pay five dollars.

§ 3. Every person now building or repairing, or that may hereafter build or repair any house in this town, shall every day while such building or repairing is being carried on, remove, or cause to be removed, to some place of safety, all chips or shavings and other combustible things, before the close of each day, from such building, and every person failing so to do shall forfeit five dollars, and shall also forfeit and pay five dollars for every day such chips, shavings or other combustibles shall remain in such building after having been notified by a police officer to remove the same.

§ 4. If any person shall carry fire about in the streets of the town without having the same secured under cover, or shall fire on the streets any paper, straw or other thing, he or she shall forfeit and pay for every offence one dollar.

§ 5. If any person shall make a fire in the market house or market lot, or put any fire in either place, he shall forfeit and pay five dollars.

§ 6. If any slave, free negro or mulatto commit any of the offences enumerated in this chapter, he may be punished with stripes.

CHAPTER XXVII.

Injuring Pumps and Trees.

SEC. 1. Injuring and obstructing pumps.	SEC. 3. Punishment of slaves, &c., for violations of this chapter.
" 2. Destroying and injuring trees.	

§ 1. If any person shall wilfully break or move from its place the handle of any pump in the town, or choke any such pump by conveying into it any brick, stone or other substance, or remove the cap from any pump in the town, or in any manner injure any one of them, he shall for every offence forfeit and pay five dollars, and shall be moreover liable to this Corporation for the expense incurred in repairing the same. And if the offender be under twenty-one years of age, such expense shall be recovered, with costs, from the parent, guardian or master, as the case may be, of such minor offender, if he shall not voluntarily pay the same.

§ 2. If any person shall wilfully break, bark, belt or otherwise injure any tree or trees now set in the streets of the town and court-house lot, or that may hereafter be set or planted in any street of the town or court-house lot of this Corporation by the sufferance or permission of the Council, he shall pay a fine of not less than two nor more than twenty dollars, in the discretion of the justice by whom the offence is tried; and in case the fines under this or the next preceding section be not paid forthwith, the justice shall com-

the offender to the jail of this Corporation for six days, unless the fines and costs be sooner paid.

§ 3. If any slave, free negro or mulatto commit any of the offences, or do any of the acts mentioned in the preceding sections of this chapter, he shall, upon conviction thereof before a justice, be punished with stripes, and such punishment shall not be remitted upon the payment of a fine.

CHAPTER XXVIII.

Concerning Stallions, &c.

If any white person shall hereafter put, or cause to be put, any stallion or jackass to a mare or jenny, within the limits of the town of Fredericksburg, he shall forfeit and pay for every offence ten dollars; and if any slave, free negro or mulatto do so, he may be punished with stripes not exceeding thirty, by order of the justice by whom the offence is tried; but the justice may, in his discretion, remit such punishment, upon the payment of a fine of ten dollars and the cost of the proceedings.

CHAPTER XXIX.

Of Shops being kept open, and Wagons, &c., being used on Sunday.

SEC. 1. Shops not to be kept open on Sunday. | SEC. 2. Wagons, &c., not to be used on Sunday.

§ 1. If any person not being an apothecary, livery stable keeper, or keeper of an ice house, shall keep his or her store, shop or place of business open on Sunday, at any time of the day, such person shall forfeit and pay five dollars for every offence.

§ 2. If any dray, cart or wagon be found in use (except in cases of necessity) on a Sunday, the driver thereof shall pay a fine of two dollars if he be a free person, and if he be a slave, he shall be punished with stripes by order of a justice; and every person employing the same shall pay the like sum.

CHAPTER XXX.

Indian Corn Meal to be Sold by Weight, &c.

(All Indian corn meal which shall hereafter be sold in this town, shall be sold by weight, and at the rate of fifty pounds to the bushel; and if any white person shall sell in this town any Indian corn meal, otherwise than by weight as aforesaid, he shall forfeit and pay for every such offence the sum of two dollars; one-half of which fine shall go to the informer, and the other half to the Corporation.)

And if any slave, free negro or mulatto violate this chapter, he shall be punished with stripes.

CHAPTER XXXI.

Of Using the Court-House and Ringing the Bell.

Except for such purposes as are authorized by law, the court-house bell of this Corporation shall not be used by any person or persons, nor shall the court-house bell be rung at any time, by any person, except in cases of fire or on court days, without the permission of the Mayor. Every white person violating this chapter shall be fined not less than one nor more than twenty dollars, in the discretion of the justice who shall try the case. If a slave, free negro or mulatto violate it, he may be punished with stripes.

CHAPTER XXXII.

Prohibiting Interments in the Burying Ground on Prince Edward St.

It shall not be lawful hereafter for any person or persons to open a grave or inter the dead body of any person or persons in what is known as the public burying ground fronting on Prince Edward street, and bounded on the north by William street, and on the south by George street, and which is enclosed with a brick wall. Any white person offending against this chapter shall forfeit and pay twenty dollars for every offence; and if a slave, free negro or mulatto commit any of the acts mentioned in this chapter, he may be punished with stripes.

CHAPTER XXXIII.

Hogs, Horses, &c., Going at Large in the Streets.

SEC. 1. Regulations as to hogs, &c., running at large in the streets.
" 2. As to penning same.

SEC. 3. Horses, &c., going at large.
" 4. Punishment of slaves, &c., for violations of this chapter.

§ 1. It shall not be lawful hereafter for hogs, shoats or pigs to go at large in the streets of the town, except in the months of June, July, August, September and October, and then only when each hog, shoat or pig shall have had its nose or snout so clipped or split that it cannot root; and all hogs, shoats or pigs found going at large in the streets in any month of the year other than those in this section mentioned, or shall be found going at large even in those months, without being disabled as aforesaid, shall be liable to be caught by the police officers of the town, and when so caught they shall be forfeited to this Corporation. And the police officers are hereby directed to catch all hogs, shoats or pigs going at large

contrary to this chapter, and sell the same at the place where caught to the highest bidder, for cash. One moiety whereof shall go to the officer who caught and sold the animal, and the other moiety shall be paid over to the Chamberlain for the use of this Corporation.

§ 2. It shall not be lawful hereafter for any hogs, shoats or pigs to be kept in pens or houses, in this town, during the months of June, July, August, September and October. If any person offend against this section, he shall forfeit and pay two dollars; and every day that a hog, shoat or pig shall be confined as aforesaid, in the months aforesaid, shall be a distinct offence.

§ 3. It shall not be lawful for any person to turn loose in the streets of the town any horse, mare, mule or goat, or suffer or permit the same to run at large in the streets of the town. Any person offending against this section shall forfeit and pay two dollars for every offence; and every such animal found going at large shall be presumed to be going at large by the permission or sufferance of its owner.

§ 4. Any slave, free negro or mulatto violating this chapter may be punished with stripes.

CHAPTER XXXIV.

Concerning Dogs.

SEC. 1. Tax on dogs, and collars to be worn by them.

" 2. Dogs owned by residents, if in streets without such collar, liable to be killed.

SEC. 3. Vicious dogs to be killed.

" 4. Punishment of slaves, &c., concealing dog ordered to be killed, &c.

§ 1. Whenever the Council imposes any tax on dogs, the same shall be paid to the Mayor, who shall, upon receipt of such tax, furnish without cost or charge therefor, to the persons paying the same, a collar with a piece of metal attached thereto, stamped with the letters C. F., and also the year in which the collar issued, in figures, to be worn around the neck of his or her dog. And the Mayor is hereby authorized to procure as many such collars as may be necessary, at the expense of the Corporation; and it shall be his duty to render to the Council, at the end of every quarter of the fiscal year of the Corporation, an account of the amount expended for collars, and the amount received by him under this section.

§ 2. All dogs owned by residents of this town, found running at large in the day time in the streets of the town, without such a collar as is mentioned in the preceding section, shall be liable to be killed, and the owner of such dog shall forfeit and pay for each offence one dollar; and upon failure to pay the fine forthwith, a magistrate may order such dog to be killed. The police officers, for each dog so killed and buried, shall be entitled to a fee of one dollar, to be paid by this Corporation, upon their making oath to

the correctness of their claim, and that the carcasses were disposed of as directed in this section.

§ 3. If the Mayor or any other justice shall have sufficient proof that any dog in this town has bitten any person, or that any dog has annoyed persons by running after them in the street in a vicious manner, he may order such dog to be immediately killed by a police officer; and if the owner of such a dog shall conceal it, or cause it to be concealed, so that the order of the Mayor cannot be executed, such owner shall forfeit and pay two dollars for every day such dog shall be kept concealed.

§ 4. Any slave, free negro or mulatto offending against either the 2d or 3d sections of this chapter may be punished with stripes.

CHAPTER XXXV.

Licensing Drays, Carts and Wagons.

- SEC. 1. Drays, carts, &c., employed for hire to be licensed.
 " 2. Tax to be paid, and bond given.
 " 3. Of drays, carts, &c., not employed for hire.
 " 4. Time to which license to issue or tax to be paid.
 " 5. Of assignment of license, &c.

- SEC. 6. Chamberlain to keep a register of licenses, and what shall be stated in license, &c.
 " 7. Penalty for using and employing dray, cart, &c., for hire, without license, &c.
 " 8. Copy of register of licenses and taxes to be furnished Mayor.
 " 9. Chamberlain's fee.
 " 10. Rates of drayage.

§ 1. No dray, cart or wagon shall be used or employed, directly or indirectly, in the town of Fredericksburg, for hire, unless the owner or keeper thereof obtain from the Chamberlain of this Corporation a license to use the same.

§ 2. Before such license shall be issued, there shall be paid to the collector of taxes such tax as may be imposed by the Council of the town on said licenses, and the applicant for such license shall moreover give a bond payable to the Mayor and Commonalty of the town of Fredericksburg, in the sum of three hundred dollars, with surety, to be approved of by said Chamberlain, and conditioned for the faithful delivery of all articles which may be entrusted to the driver of such dray, cart or wagon during the time of such license. On which bond suits may be brought from time to time in the name of the Mayor and Commonalty of the town, for the benefit of any person injured by any breach of the condition of such bond, and damages shall be recovered equal to the penalty of the bond.

§ 3. There shall be a tax every year on the owner of any unlicensed dray, cart or wagon used or employed in the town for the benefit of such owner, unless the same be used exclusively in transporting fuel, provisions, manure and other things to be used at the owner's dwelling or farm. The tax under this section for a dray, cart or wagon, shall be the same as the tax on a license to use the same for hire, except that the tax on a wagon drawn by one horse

and used exclusively in transporting lumber, shall be taxed the same as the owner of a cart. Such tax to be paid to the collector of taxes, and his receipt shall be presented to the Chamberlain for registration.

§ 4. The time for which a license shall be issued, or tax paid, under this chapter, shall be until the first day of April next after the same is issued or tax paid.

§ 5. A person obtaining such license may transfer the unexpired term thereof, provided the transfer be evidenced by the endorsement on the license, and provided the assignee give such bond as is mentioned in this chapter.

§ 6. The Chamberlain shall keep a register of all drays, carts or wagons, and the name of each person obtaining such licenses, and the names of the persons paying the tax, and for what. These things shall be stated in the license, where one is required, and the owner of every dray, cart or wagon so licensed shall have painted thereon, if it be a wagon, on the side, and if it be a dray or cart, on the shaft, its number and the initials of its owner's name, in large and legible figures and letters, so that the same may be easily read.

§ 7. If the owner of any dray, cart or wagon shall use or employ the same for hire, or permit the same to be done, without having obtained a license therefor, or shall fail to pay the tax imposed, or shall fail to have painted thereon the number and initials, as required by the next preceding section, he shall forfeit and pay for every offence five dollars; and in every instance in which a dray, cart or wagon shall be used for hire in the town aforesaid, it shall be deemed to have been done with the permission of the owner of such dray, cart or wagon.

§ 8. A copy of the register of drays, carts and wagons kept by the Chamberlain, and a copy of the list of those who shall have paid the tax on the same for the year, shall be delivered (the former by the Chamberlain and the other by the Collector) on the second day in June, in every year, to the Mayor, to be by him handed over to the police officers for the more ready detection of violations of the preceding section.

§ 9. From every person to whom a license is or may be issued under this chapter, the Chamberlain shall be entitled to a fee of twenty-five cents.

§ 10. The rates of drayage shall be twenty-five cents per load to and from the wharves, until changed or altered by an ordinance of the Council; and if the owner or driver of any dray, cart or wagon demand and receive more, he shall be fined one dollar for every offence, if he be a free man; if the driver be a slave, his master or owner shall pay a like fine; and if the driver of any cart, dray or wagon shall refuse to work for any person, when unemployed, he shall forfeit and pay one dollar, if he be a white person or free negro; if such person be a slave, his owner or hirer shall pay a fine of one dollar for every refusal so to work.)

CHAPTER XXXVI.

Gas and Water Pipes.

SEC. 1. Regulations concerning the laying, repairing and removing gas and water pipes in the streets.

SEC. 2. Penalty for failing to conform to preceding section.

§ 1. Any incorporated company or individual who may make use of any street or side-walk in the town of Fredericksburg, for the purpose of laying down therein the main pipes, or any branches therefrom, for the distribution of gas or water, or for the purpose of removing or repairing the said pipes or branches, shall cause the opening so made in the streets or side-walks to be filled up and well rammed within forty-eight hours after the work has been commenced: Provided, however, that should said company or individual be prevented from completing the aforesaid work in the aforesaid time, by the occurrence of rain, they shall be allowed twenty-four hours for the purpose, after the rain shall have ceased.

§ 2. Any incorporated company or individual failing to conform to the preceding section, shall pay a fine of not less than five dollars nor more than ten dollars, in the discretion of the justice by whom the offence is tried.

CHAPTER XXXVII.

Poor House and Overseers of the Poor.

SEC. 1. Overseers of the poor to be appointed by Council.

" 2. Time and place of meeting of board of overseers of the poor.

" 4. Of officers to be appointed by, and their compensation.

" 4. Paupers able to work, to be compelled to work.

SEC. 5. Board to prescribe regulations for government and discipline.

" 6 Board to be governed by provisions of Code of Virginia.

" 7. Three of overseers of the poor to sign order on Chamberlain.

" 8. Amount paid not to exceed annual appropriation.

§ 1. There shall be appointed by the Council annually, in the month of March or April, six overseers of the poor for the town of Fredericksburg, who shall remain in office until the next annual appointment, unless sooner removed by the Council. The Council may fill any vacancy occurring in the board of overseers.

§ 2. The third Monday in April shall be the day, and the Poor House the place, for the annual meeting of the overseers.

§ 3. The board of overseers may employ a steward, physician and nurses when necessary, who shall receive such compensation as the board may deem reasonable.

§ 4. All persons kept at the poor house who are able to work, shall be made to do so.

§ 5. The Board may prescribe regulations for the government and discipline of the poor house and the persons therein.

§ 6. In respect to all matters not especially provided for in this

chapter, the proceedings of the board and of the several overseers shall be according to the LIst and CXXVith chapters of the Code of Virginia.

§ 7. All expenses of the poor house and out-door paupers shall be paid by the Chamberlain, upon an order signed by three, at least, of the overseers of the poor.

§ 8. What is paid by the Chamberlain on account of such expenses, within the year during that for which the report is made, shall not exceed the amount which, according to the said report, the overseers will require within such year, unless by a resolution of the Council more be specially appropriated.

CHAPTER XXXVIII.

Of Nuisances.

SEC. 1. Owner to remove dead animal.

“ 2. Putrid or offensive substances not to be kept in town.

“ 3. Sunken places to be filled up.

“ 4. Proceeding when owner is not a resident of the town.

“ 5. Owner or occupier of lot not to permit necessary, &c., to become offensive.

“ 6. Necessaries, &c., not to be put up near street or dwelling-house, or neighboring lot.

“ 7. Proceeding on complaint of violation of preceding section.

“ 8. Placing filth, &c., in street, &c.

SEC. 9. Permitting dye and dish-water, &c., to run from lot into the street.

“ 10. Throwing dye or dish water, &c. in gutter without consent of person before whose lot, &c.

“ 11. Throwing water in the street at pump.

“ 12. Cleaning fish and vegetables at pump.

“ 13. Soap and candle factories.

“ 14. Owners and occupiers of lots not to permit cows to stand on the footways.

“ 15. Punishment of slaves, &c., violating this chapter.

§ 1. If any horse, dog, cow or other animal die within the limits of the town, and the owner of such animal, at the time of its death, shall not immediately remove it one mile beyond the limits of the town, if the owner be a white person, he shall forfeit and pay five dollars.

§ 2. If any person shall keep in his or her storehouse, warehouse, cellar, lot, or other place, any fish, beef, pork, or any animal or vegetable substance, after it has become putrid or offensive, he shall forfeit and pay two dollars, and shall moreover forfeit and pay two dollars for every day such things shall be so kept, after having been required by a police officer to remove the same.

§ 3. Every person owning or occupying a lot on which there may be a sunken place holding stagnant water, neglecting to fill up or drain the same, within three days after notice so to do by a police officer, shall forfeit and pay two dollars for every day after the first three days he shall neglect to fill up such place or drain the same.

§ 4. Upon its being alleged by a citizen or any officer of police, to the Mayor or any other justice, that ground in this town owned by a non-resident thereof, and not occupied by any person residing thereon, is subject to be covered by stagnant water, or that such

owner permits or suffers any offensive or unwholesome substance to accumulate or remain thereon, reasonable notice of such allegation shall be given by the said Mayor or justice to the said owner or his agent, if any he has; and in case he has no such agent, by publication for not less than four weeks in a newspaper printed in said town. The said Mayor or justice shall communicate to the Council the fact of such allegation and notice, that they may cause such ground to be filled up, raised or drained, or to cause such substances to be covered or removed therefrom, and to collect the expense of so doing from the owner or owners, occupier or occupiers, or any of them, by distress and sale, in the same manner in which taxes levied upon real estate for the benefit of said town are authorized to be collected.

§ 5. If the owner or occupier of any lot in this town shall suffer a necessary, hog pen or cow house on the lot so owned or occupied by him, or shall suffer the lot itself, or any part of it, to become offensive to the occupiers of a dwelling on an adjacent or neighboring lot, or to persons passing on the footway next to the lot where such necessary, hog pen or cow house is, he or she shall forfeit and pay five dollars; and every day that such necessary, hog pen, cow house or lot shall remain offensive, after notice from a police officer to cleanse and purify the same, shall be a distinct offence.

§ 6. If any person shall put up on any lot in this town, a necessary, hog pen or cow house within twenty feet of a dwelling house on an adjacent or neighboring lot, or within ten feet of a street, he or she shall forfeit twenty dollars, and shall moreover forfeit and pay two dollars for every day after the first that such necessary, hog pen or cow house shall stand in such position.

§ 7. Upon its being alleged by a citizen, or any police officer, to the Mayor of the town, or any other justice, that a necessary, hog pen or cow house is placed in such a situation as to be offensive to the occupiers of a dwelling house on an adjacent or neighboring lot, the said Mayor or justice shall cause the owner of the lot on which such necessary, hog pen or cow house is, to be summoned to appear before him, and upon proof of the allegation, shall order such necessary, hog pen or cow house to be removed. And unless such removal be effected within forty-eight hours, the Mayor or some other justice shall from time to time cause the said owner to be summoned to appear before him, and shall fine him five dollars for every forty-eight hours after the first, that there may be a failure to effect such removal.

§ 8. If any person shall put, or cause to be put, in any street or public alley of the town, or cause to be thrown into the market house, market house lot, or court-house lot of this Corporation, any garbage, filth or offensive water, or the carcass of any animal or fowl, he shall forfeit and pay for every such offence two dollars.

§ 9. If the owner or occupier of any lot in town shall let any soap-suds, dye-water, dish-water, or other dirty water, run from his or her lot into any of the streets, and thence along before the

lling house on an adjoining lot, he or she shall forfeit and pay dollars for every such offence.

10. If any person shall throw, or cause to be thrown, any soap-s, dye-water, dish-water, or other dirty water, into any of the ters of the public streets, without the consent of the person be- whose lot such waters will run, he shall forfeit and pay for ry such act one dollar.

11. If any person shall throw any water at and around any of public pumps, except in the drain leading from the pump, he ll forfeit and pay one dollar.

12. If any person shall clean any fish or vegetables at any of pumps of the town, he or she shall pay a fine of fifty cents.

13. If any person or persons shall use any building in this town a soap or candle factory, other than those now occupied for such rposes, he or they shall forfeit and pay twenty dollars, and shall reover forfeit and pay ten dollars for every day such building all be so used after the first offence.

14. If the occupier of any lot in this town, owning a cow, shall ffer such cow to stand on the footways immediately on the front rear of the lot so occupied by him or her, to the annoyance of e occupiers of an adjacent or adjoining lot, or to the annoyance persons passing on the footways, he or she shall forfeit and pay e dollar, and every day after the first that he or she shall suffer s or her cow so to stand, shall be a distinct offence.

15. If a slave, free negro or mulatto commit any of the offences mentioned in this chapter, he may be punished with stripes.

CHAPTER XXXIX.

Concerning the Safe-Keeping of Gunpowder and the Powder Magazine.

SEC. 1. Gunpowder brought into town to be carried to magazine, &c.
 " 2. Not more than thirty pounds to be kept in house at any one time.

SEC. 3. Mayor or justice to issue search warrant upon complaint of violation of this chapter.

" 4. Fees of keeper of magazine.

§ 1. All powder brought within the limits of this Corporation by land, and into the port or harbor, in any vessel other than a vessel of war, shall be stored in the public magazine; if brought by land as aforesaid, it shall be carried directly to the magazine; if brought into the port or harbor as aforesaid, it shall be carried to said magazine within one hour after it shall have been discharged from the vessel, unless within that time it be carried beyond the limits of the town: Provided, the quantity thus brought in shall exceed the weight of thirty pounds; and that for any violation of the provisions of this section, the owner of the powder in question, the person who shall receive or take charge of it when brought in, and the owner, master and consignee of the vessel concerned in said viola-

tion, as the case may be, shall be severally liable to a penalty of five dollars for each twenty-five pounds of powder so brought into town, to be recovered by warrant before any justice of the peace of this Corporation, with costs, for the use of the Corporation.

§ 2. No person or persons shall keep, in any house, any quantity of powder exceeding thirty pounds at any one time, under the penalty of five dollars for every pound above that quantity.

§ 3. The Mayor, or any justice of the peace, is hereby authorized, as often as he shall be informed, upon oath, of probable cause to suspect any person or persons of concealing or keeping within the Corporation, any quantity of powder over and above thirty pounds as aforesaid, to issue a search warrant; to examine into the truth of such allegation or suspicion, and search any place whatever therein.

§ 4. A fee of twenty-five cents shall be paid to the keeper of the magazine for each keg or part of a keg of powder therein deposited, and he shall have the right to refuse the delivery thereof until the said fee shall be paid.

CHAPTER XL.

Concerning the Sale of Real Estate for Taxes.

- SEC. 1. When real estate advertised for non-payment of taxes; what stated therein; notice of sale added.
- " 2. When sale made, and when and how adjourned.
- " 3. So much of each each lot sold as may be necessary.
- " 4. Collector not to buy at such sale.
- " 5. Collector's receipt to purchaser.
- " 6. When and how real estate sold may be redeemed.
- " 7. After two years survey made of lot, &c.; plat, &c., to be recorded.
- " 8. When and what deed purchaser may obtain; upon what terms.

- SEC. 9. When and how deed may be made to assignee or heir.
- " 10. When owner may redeem, purchaser failing to obtain title.
- " 11. What title shall vest in purchaser through proceedings irregular.
- " 12. Saving as to persons under disability.
- " 13. When collector shall purchase on behalf of the town.
- " 14. When and how lot purchased for town may be redeemed.
- " 15. Collector not performing his duties to be charged with the delinquent taxes which might have been collected but for his default.

§ 1. The Collector of Corporation Taxes shall annually, after the first day of January, and before the January term of the Corporation Court, cause to be published, twice a week for four weeks, in one of the papers printed in the town of Fredericksburg, a list of the real estate in this Corporation on which the taxes are unpaid to said date, mentioning the amount due on each lot or part of a lot, and the name of the party assessed therewith, and describing such lot, or part of a lot, as it is entered in the book of the Commissioner of the Revenue, and shall also post a copy of the said list on the front door of the court-house of said Corporation, on the first day of the January term of said court. To which list, so printed and published, a notice shall be added that the real estate therein mentioned, or as much thereof as shall be sufficient to satisfy the taxes

on the same, with interest and charges of sale, and a commission of five per centum to the collector, will be sold at public auction, between the hours of 10 o'clock, a. m. and 3 o'clock, p. m., at the February term of the corporation court thereafter, at the front door of the said court-house.

§ 2. If the said taxes, interest and commission be not previously paid, the said collector shall proceed to make sale accordingly, and the sale may be adjourned from day to day until completed.

§ 3. The sale shall be of each lot separately, or of such undivided interest therein as shall be sufficient to satisfy the taxes thereon, with the interest, charges of sales and commission as aforesaid.

§ 4. The collector conducting said sale shall not, directly or indirectly, purchase any real estate so sold, under a penalty of fifty dollars, for the use of the Corporation, recoverable before any justice of the peace, and the sale shall moreover be void.

§ 5. The collector shall furnish to the purchaser of any real estate a memorandum and receipt similar to those mentioned in the 7th section of the xxxviii chapter of the Code of Virginia, and shall make out a list of the sales like the list required by the 9th section of the xxxviii chapter of said Code, with the words Corporation of Fredericksburg in the caption thereof, and return the same within thirty days to the Chamberlain of this Corporation, and for which receipt the collector shall be entitled to receive from the purchaser of each lot, or part of a lot, twenty-five cents.

§ 6. Real estate sold for corporation taxes may be redeemed within the time and manner prescribed by the 12th section of the xxxviii chapter of the Code aforesaid, except that the payment authorized by the 13th section of the said chapter of said Code, instead of being to the clerk of the court, shall be to the Chamberlain of this Corporation.

§ 7. The purchaser of any real estate so sold, and not redeemed within two years, his heirs or assigns shall have the quantity purchased, surveyed or laid off, at his or their expense, by the Surveyor of the Corporation, the said survey to commence on either of the lines of the lot, at the option of the purchaser, so as not to include the improvements on the same, if it can be avoided. A plat and certificate of every such survey shall be delivered to the Chamberlain, and if the Council, upon examination thereof, find it to be correctly made, in conformity with this section, it shall order the same to be recorded.

§ 8. After the expiration of the said two years, the purchaser of any real estate so sold, and not redeemed, shall obtain from the Chamberlain of the Corporation a deed conveying the same, in which shall be set forth all the circumstances appearing in the Chamberlain's office in relation to the sale. For every deed executed under this section the Chamberlain shall be entitled to one dollar, which the purchaser shall pay him on the delivery of the deed.

§ 9. When the purchaser has assigned the benefit of his purchase, the deed may, with his assent, evidenced by his joining therein, or

by a writing annexed thereto, be executed to his assignee. If the purchaser shall have died, his heirs or assigns may move the court of this Corporation to order the Chamberlain to execute a deed to such heirs or assigns.

§ 10. If no such deed or order of court be made under this ordinance within one year after the expiration of the said two years, the former owner, his heirs or assigns, may, after such year, and before such deed or order is made, redeem the land by paying such amount, with such additional taxes and such interest as is mentioned in the 12th section of the xxxviith chapter of said Code, together with the costs of the survey or report, (and interest thereon,) if any shall have been returned to the Chamberlain. The payment under this section may be to the Chamberlain.

§ 11. When the purchaser of any real estate sold for taxes, his heirs or assigns, shall have obtained a deed therefor under this ordinance, and within sixty days from the date of such deed, shall have caused the same to be recorded in the clerk's office of the court of this Corporation, such estate shall stand vested in the grantee in said deed, as it was vested in the party assessed with the taxes, (on account whereof the sale was made,) at the commencement of the year for which the said taxes were assessed, notwithstanding any irregularity in the proceedings under which the said grantee claims title, unless such irregularity appear on the face of the proceedings. And if it be alleged that the taxes, for the non-payment of which the sale was made, were not in arrears, the party making such allegation must establish the truth thereof by proving that the taxes were paid.

§ 12. The 23d section of the xxxviith chapter of the Code shall be deemed a part of this ordinance, and have the same effect as if it were here repeated.

§ 13. When a parcel of real estate is offered for sale as aforesaid by the collector, and no person present bids such sum as is required by the 3d section, the collector shall purchase the same on behalf of the Corporation, for the taxes thereon and charges of sale. A list of the real estate so purchased by the Corporation shall be made out by the collector, and after being verified by him on oath, shall, within thirty days, be delivered by him to the Chamberlain, who shall make out a copy thereof and deliver it to the Commissioner of the Revenue, and credit the collector with the amount for which the said real estate may have been so purchased, but not with any commission thereon. There shall be no right to such credit unless the said list be so delivered on or before the expiration of the said thirty days.

§ 14. The previous owner of any real estate so purchased for the Corporation, his heirs or assigns, or any person having a right to charge said real estate for a debt, may, until a further sale thereof by authority of the Council, redeem the same by paying the Chamberlain the amount for which such real estate was so purchased, with such additional sums as would have accrued for taxes thereon

if the same had not been purchased for the Corporation, and interest at the rate of ten per centum per annum on the former amount from the date of the purchase, and on the additional sums from the first day of December in the year in which the same would so have accrued. When real estate so purchased is redeemed, the Chamberlain shall certify the fact to the Commissioner of the Revenue.

§ 15. If the collector of taxes shall fail to comply with the duties devolved upon him by this ordinance, so that no sale be made, he shall not be entitled to a credit for such taxes as shall be delinquent upon such real estate as might have been sold, if he had properly discharged his duty under the same.

CHAPTER XII.

To License and Regulate Bowling Alleys.

- (SEC. 1. Bowling alleys not to be kept without license.
 " 2. How and on what terms license obtained.
 " 3. Tax to be paid, and when.

- SEC. 4. Penalty for keeping bowling alley without license, &c.
 " 5. Not to be used after 11 o'clock p. m., or before sunrise.)

§ 1. It shall not be lawful hereafter for any person to set up, keep, maintain or use, within the limits of this town, any bowling saloon or bowling alley, without a license therefor: Provided, however, that this section shall not apply to any saloon or alley now erected for which a tax is paid.

§ 2. The Mayor of this town is hereby authorized to grant such license, when the applicant shall have obtained the assent, in writing, of a majority of the owners of real property in the immediate square where such saloon or alley is designed to be placed, and not otherwise.

§ 3. There shall be paid to the Chamberlain of this Corporation annually, on the first Monday in May, for each license for a bowling saloon or bowling alley, which is or may be kept, maintained or used within the limits of this town, the sum of ten dollars; and when there is more than one alley in the same saloon or place, there shall be paid a tax of five dollars on each and every such alley over one.

§ 4. If any person shall set up, keep, maintain or use any bowling saloon or bowling alley, without having a license therefor from the Mayor of this town, or without having paid the tax imposed on the same, he shall forfeit and pay twenty dollars for every day he may so offend.

§ 5. If any proprietor of any such bowling alley shall suffer any person to play upon or use such alley after 11 o'clock p. m., or before sunrise in the morning, he shall forfeit and pay ten dollars for each offence.

CHAPTER XLII.

(To License and Regulate Theatrical and other Exhibitions.)

(SEC. 1. What not to be played or exhibited without license and payment of tax; amount of tax; what exhibitions, &c., free; when Mayor may dispense with tax.

" 2. When license granted, what it shall state.

SEC. 3. License may be suspended until Mayor be satisfied of safety of the room; how report made, &c.

" 4. Penalty for violation of this chapter.

§ 1. No person or persons shall, within the limits of this town, exhibit, play or perform any theatrical or dramatical performance, entertainment, or show, or public exhibition for gain, without a license for the purpose from the Mayor. And the following tax shall be paid to the Chamberlain of this Corporation on the granting of such licenses, to wit: Twenty-five dollars for every circus exhibition of animals or jugglers, and five dollars on any other public show, exhibition or performance elsewhere, for every twenty-four hours, or each time of performance, unless the same be in a room fitted for public exhibitions, in which case the proprietor or occupier of such room may pay either thirty dollars for a year, or the said five dollars for twenty-four hours, at his election; and when there are two or more rooms fitted up in the same building, each separate room shall pay a like tax, and a separate license shall be obtained therefor. But no tax shall be required under this section on a performance consisting only of vocal or instrumental music; or from a lecturer on a literary or scientific subject; or from a mechanic or artist exhibiting a work of painting or sculpture, or a work or production of his own invention or art, or a model illustrating such invention or art. And the Mayor, in his discretion, may dispense with the tax in the case of a performance, exhibition or show for a religious or charitable purpose.

§ 2. When, in any case mentioned in the preceding section, the tax shall have been so paid or dispensed with, the Mayor may grant a license to exercise the privilege for which the tax is so paid or dispensed with. Such license shall state what amount of tax (if any) is paid, to whom the license is granted, what privilege may be exercised under it, in what house, room or place, and for what time.

§ 3. In any case, the Mayor may defer issuing, or after issuing, may suspend a license for any performance, exhibition or show until the house or room in which the same is to be, is examined by three freeholders of the town appointed for the purpose by his warrant, and until he is satisfied by their report, in writing, that such house or room has doors and openings of such number and so arranged, as in case of fire, to afford facilities for escape, and that the same is sufficiently strong and safe. Every such report shall be filed by the Mayor in the Chamberlain's office.

§ 4. If any person shall do, engage in or permit any thing for

ch a tax or license is required by this ordinance, without pay-
such tax and obtaining the Chamberlain's receipt therefor, (for
ch the Chamberlain may demand a fee of fifty cents,) or with-
having a license therefor, he shall pay a fine of not less than
nor more than twenty dollars for every such offence, and if the
shall not have been paid, be liable also for the same, which
ll be recoverable forthwith. One-half of such fine shall go to
e informer, the other half to the Chamberlain for the use of this
orporation.

CHAPTER XLIII.

Prosecutions against Slaves, Free Negroes and Mulattoes.

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| <p>SEC. 1. Shall be tried by Mayor, Recorder, or some other justice.
" 2. Mode of procedure.
" 3. Punishment on conviction.</p> | <p>SEC. 4. As to number of stripes.
" 5. Resident owner or hirer to have notice of trial.</p> |
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§ 1. Slaves, free negroes and mulattoes shall be tried for violations of this ordinance or any by-law of this Corporation by the Mayor or Recorder of the town, or some other justice.

§ 2. Upon complaint to a justice of a violation of this ordinance or any by-law of this Corporation by a slave, free negro or mulatto, such justice shall issue his warrant to a police officer or constable, requiring the slave, free negro or mulatto accused to be arrested and brought before the Mayor or Recorder, or some other justice, for trial, and in the same warrant may require the officer to whom it is directed to summon such witnesses as shall be therein named, to appear and give evidence on the trial.

§ 3. When a slave, free negro or mulatto is convicted of a breach of this ordinance, or any by-law of this Corporation, the corporeal punishment annexed to the offence of which he is convicted shall be inflicted by order of the justice who tried the offender. But such punishment may, in the discretion of such justice, (except in cases where it is otherwise expressly provided,) be remitted upon the payment by the offender, or any other person for him, with the costs of trial, of such forfeiture, fine or penalty as would be incurred by a white person for a like offence.

§ 4. Wherever in this ordinance punishment by stripes is prescribed, and the number not fixed, the number shall be in the discretion of the justice by whom the offence is tried; and if the number is not limited, the number of stripes shall not exceed thirty-nine.

§ 5. In all cases of the trial of a slave, the owner or hirer of the slave, if a resident of this town, shall have notice of the trial.

CHAPTER XLIV.

How Fines are Recovered and Disposed of.

SEC. 1. All fines, &c., to emure to Corporation, and be sued for before justice.

" 2. Prosecutions against minors as if adults—judgment against minor, or father, guardian or master, at discretion of justice—against husband.

SEC. 3. Procedure if judgment not satisfied forthwith.

" 4. Father, guardian or master, if resident of this town, to have notice of trial of minor.

" 5. Mayor to return list of fines—and officers to account for collections.

§ 1. All forfeitures, fines and penalties for violations of this ordinance, or any by-law of this Corporation, or for failing to comply with any order of the Mayor of this town, or other justice, given in pursuance of any ordinance or by-law of this Corporation, except in cases where it is otherwise expressly provided, shall be to the Mayor and Commonalty of the town of Fredericksburg, and recoverable by prosecution before the said Mayor or any other justice, with the costs of such prosecution.

§ 2. Minors, being white persons, shall be prosecuted for breaches of this or any ordinance of this Corporation, in the same manner and to the same effect as of white persons of lawful age. In the case of a minor, not an indentured apprentice, the judgment for the forfeiture, fine or penalty may, in the discretion of the Mayor, or justice who shall try the case, be given either against the minor, father or guardian. And if the offender be an indentured apprentice, the judgment may be either against the master or apprentice, in the discretion of the justice by whom the offender is tried. For any violation of an ordinance or by-law of this Corporation by a white married woman, the prosecution shall be against her husband, and the judgment shall be against him for the fine, forfeiture or penalty annexed to the offence of which she shall be adjudged guilty.

§ 3. When judgment shall be rendered for any forfeiture, fine or penalty under this or any other ordinance or any by-law of this Corporation, and the same shall not be immediately paid, with the costs of trial, the Mayor, or other justice rendering the same, shall issue execution thereon, to be levied of the goods and chattels of the person against whom such judgment is rendered, directed to any constable of this Corporation, returnable within fifteen days, before the justice issuing the same. The officer who may levy such execution, shall sell the property thereby taken, at public auction, for cash, before the front door of one of the auction rooms of this town, or at the market house in this town, after posting a notice of the time and place of sale at the market house at least five days before the day of sale, to satisfy said execution and all costs attending the levy and sale thereof.

§ 4. In all cases of the trial of a minor, the father, guardian or master of such minor shall have notice of the trial, if such father, guardian or master be a resident of this town.

5. On the fifteenth day of June, September, December and March, the Mayor shall return to the Chamberlain an account of the fines imposed by him within the preceding three months. On the same day each constable and police officer shall render to the Chamberlain an account of the fines collected by him within the said three months, and pay the same over to the Chamberlain.

CHAPTER XLV.

Of Standing Committees.

There shall be appointed by the Mayor, in the month of March, four standing committees, each to be composed of three members of the Council—viz: A Committee on Finance, a Committee on Public Property, a Committee on Streets, and a Committee on Pumps. The Committee on Finance shall attend to the finances of the Corporation, and recommend to the Council the way and manner of raising the means to meet the expenses and claims against the Corporation.

The Committee on Public Property shall have all the public property under their charge, and see to the renting of the same. The Committee on Streets shall make all the contracts for repairing and improving the streets, or have the same done under their supervision.

The Committee on Pumps shall see that the public pumps are kept in order, and have the same repaired when necessary.

CHAPTER XLVL

Of the Construction of this Ordinance.

In the construction of this ordinance, the following rules shall be observed:

First. The word "justice" shall be construed as if the words "of the peace for the Corporation of Fredericksburg" followed it.

Second. The word "town" shall be construed as if the words "of Fredericksburg" followed it.

Third. The words "this town" shall be construed to mean "the town of Fredericksburg."

Fourth. The words "this Corporation" shall be construed to mean the Mayor and Commonalty of the town of Fredericksburg.

Fifth. A word importing a singular number only, may extend and be applied to several persons and things, as well as to one person or thing; and a word importing the masculine gender only shall extend and be applied to females as well as males.

CHAPTER XLVII.

Of the Seal of this Corporation.

The seal heretofore provided and used shall continue to be the seal of the Mayor and Commonalty of the town of Fredericksburg. Such seal shall be affixed by the Mayor to such of his official acts as may require the seal of this Corporation to authenticate the same. And for every such attestation a tax of one dollar and fifty cents shall be paid to the Mayor for the use and benefit of this Corporation.

CHAPTER XLVIII.

Of the Repeal of Ordinances of a General Character.

SEC. 1. This ordinance to take effect on and after the third Monday in March, 1860—and all general ordinances repealed from that time.

SEC. 2. Such repeal not to affect any offence committed, or penalty, &c., incurred, or prosecution pending on that day.

“ 3. Persons holding office to continue—and licenses granted until expiration of term.

§ 1. All the provisions of the preceding chapters shall be in force upon and after the third Monday in March next; and all ordinances of a general nature or character in force at the time of making and passing this ordinance, shall be repealed from and after the said third Monday in March next, with such exceptions as are hereafter expressed.

§ 2. Such repeal shall not affect any offence or act committed, or any penalty or forfeiture incurred before the said third Monday in March next, or any prosecution pending on that day for a violation of any Corporation ordinance.

§ 3. All persons who, at the time when the said repeal takes effect, shall hold an office under this Corporation, shall continue to hold the same according to the tenure thereof, and all licenses granted under former ordinances shall continue until such licenses shall expire.

RULES AND REGULATIONS

FOR THE

GOVERNMENT OF THE COMMON COUNCIL OF FREDERICKSBURG.

RULE I.—The Council shall meet on the fourth Tuesday in every month at 8 o'clock in the evening, except when otherwise ordered, and also meet at any other time to which it may adjourn, or be regularly called or convened. If seven members fail to attend within half an hour after the time appointed for a meeting, the clerk shall enter on the journal the names of those attending, and the adjournment for want of a quorum, and shall publish the same.

RULE II.—Every resolution or proposition moved shall be in writing, and shall be seconded before the question is taken; and, if carried, the name of the mover shall be entered on the journal.

RULE III.—If the Council direct any matter to be the special business of a future meeting, the president shall, at such future meeting, so soon as the proceedings are read and signed, announce such special business, and it shall have priority over all other business.

RULE IV.—A member shall address himself to the president, and be recognized by him as entitled to speak before he proceeds. After being so recognized, the member (except when called to order by the president or another member) shall not be interrupted during the time allowed him. No member shall speak more than ten minutes at any one time, unless he be a chairman of a committee, in explanation of a report or ordinance, when he shall be allowed, if he desire it, fifteen minutes; nor shall any member speak more than twice upon the same question.

RULE V.—Every question first made and seconded, shall be decided before a second is received, unless disposed of by the *previous* question; the previous question may be called at any time, three members concurring.

RULE VI.—On the decision of any question, the yeas and nays shall be entered on the journal, if required by any member.

RULE VII.—All appointments to places of profit, or trust, to which any compensation or salary is annexed, shall be made by ballot, the persons intended to be ballotted for being first put in nomination.

RULE VIII.—The officer presiding at the Council shall have the nomination of the members of all committees; and his nomination shall be conclusive, unless objection be made by some member present, in which case the Council, if it so determine by vote, shall make said nomination.

RULE IX.—All notices to members to attend Council, either by adjournment, or regular call, shall be delivered to the member himself, or left in writing at his dwelling house or counting room by the police officers.

RULE X.—All debate shall be regular, decent, and without altercation or personal invective ; it must also be pertinent to the question.

RULE XI.—The presiding officer shall not allow any one to speak longer, or more frequently than these rules permit. He shall in this and all other matters preserve order and decide any question raised concerning it ; but any member may appeal from his decision to the Council, which may affirm or reverse such decision.

RULE XII.—All applications to Council shall be in writing, except where otherwise allowed, and be delivered to the Mayor previous to the time of meeting, or communicated through one of the members.

RULE XIII.—It shall be the duty of the clerk, at each meeting of the Council, to lay before the Council a list of the unfinished business ; and it shall be the duty of the person presiding to call over the same before any new business is entered upon.

RULE XIV.—All spectators are to remain without the bar, where they are to conduct themselves in a quiet and orderly manner.

RULE XV.—No ordinance shall be amended, suspended or repealed, except by ordinance regularly introduced and passed.

RULE XVI.—Every member present when a question is put on an ordinance or resolution, shall, unless interested, or excused from voting by the Council, vote on one side or the other of such question.

RULE XVII.—After a member has at any meeting been entered as present, he shall not, without leave of the Council, absent himself from such meeting until its adjournment.

RULE XVIII.—The proceedings at any meeting of the Council shall be read at the close of its session. And after the errors appearing therein (if any) are corrected, the same shall be signed by the person presiding at the time the same are read.

RULE XIX.—No question, decided by the Council, shall be again brought forward during the year for which the Council was elected, unless on a motion for reconsideration, there be in favor of such reconsideration votes equal to or greater than the majority of the members present when the question was before decided.

RULE XX.—All business unfinished at the expiration of the year for which the Council was elected, shall be considered as laid on the table, and may be acted upon thereafter at the pleasure of the Council.

RULE XXI.—Any rule herein adopted may, at any particular time, be suspended for a special purpose, by a vote of two-thirds of the members present at that time.

RULE XXII.—When an ordinance which may have repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

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